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A AMERICAN CORRECTIONAL
III ASSOCIATION
PROCEEDINGS.
(TRANSACTIONS

OF THE

Third National Prison Reform Congress,

HELD AT

SAINT LOUIS, MISSOURI,

MAY 13-16, 1874:

(BEING

THE THIRD ANNUAL REPORT

OF THE

NATIONAL PRISON ASSOCIATION

OF THE

UNITED STATES.

EDITED BY

E. C. WINES, D.D., LL.D.,

SECRETARY OF THE ASSOCIATION.

NEW YORK:

OFFICE OF THE ASSOCIATION:

320 BROADWAY.

1874.

HV
8987
A5
1874

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ALBANY, N. Y.:
VAN BENTHUYSEN PRINTING HOUSE,
STEREOTYPERS, PRINTERS AND BINDERS.

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TRANSACTIONS.

OPENING ADDRESSES—ORGANIZATION—ROLL OF MEMBERS.

The third National Prison Reform Congress of the United States convened on Wednesday, May 13, 1874, at St. Louis, Missouri, in the Second Baptist Church, corner of Sixth and Locust streets.

At eight o'clock P. M., the Congress was called to order by the Hon. S. M. Breckinridge, Chairman of the Committee of Arrangements, of St. Louis, who said :

Ladies and Gentlemen : It becomes my pleasant duty to announce the opening of the sessions of the National Prison Reform Congress, to be held in this city, under the auspices of the National Prison Association, this being the third Congress of the Association in the United States.

The great work proposed to be accomplished reaches the vital interests of society and government, and involves not only the reform of prisons and prison discipline, but also the personal reformation of prisoners, the amelioration of our criminal codes, and the prevention of crime. Such a work cannot fail to engage the liveliest interest and the heartiest coöperation of all good citizens.

We cannot doubt that the discussion of these questions during the sessions of this Congress will command earnest attention, and we know these efforts at reform will engage the warm support of a community like that of this great city—a city not backward in good works. •

Dr. Wines, Secretary of the National Prison Association, read the following letter from the Honorable Horatio Seymour, President of the Association :

UTICA, May 6, 1874.

My Dear Sir: I find that I cannot go to St. Louis, as I expected to do. I regret this on many accounts. I have looked forward to the meeting of the Association in that city with great interest, but unforeseen circumstances compel me to remain at home through this month. I beg you to make my apology to the Congress for this unexpected and unavoidable absence.

I am truly yours,

HORATIO SEYMOUR.

REV. E. C. WINES, D.D.,

Sec. Nat. Prison Association.

On motion of Dr. Wines, the Hon. C. I. Walker, of Michigan, was, in the absence of the President, made temporary Chairman, and General James L. Minor, of Missouri, temporary Secretary of the Congress.

Judge Walker returned thanks for the honor done him, and at his request,

Prayer was offered by the Rev. A. H. Burlingham, D.D., of St. Louis.

OPENING ADDRESS.

By W. G. ELIOT, D.D., LL.D., President of Washington University, St. Louis.

Fellow Citizens, and Members of the National Prison Discipline Association: I feel highly complimented in having been called upon to deliver this opening address, and thereby to occupy, though not to fill, the place designed for Governor Seymour; and this, perhaps, not the less because the honor has fallen upon me as a matter of necessity quite as much as of choice. For, to be regarded as a last resort, or forlorn hope, in a cause like that for which we have come here to work, is no slight distinction, if one has the vanity so to regard it. Even to have the credit, though undeserved, of possessing the requisite acquired knowledge to speak to such an audience as this upon subjects of so great difficulty, which have been, of late years, so ably discussed by profound scholars and eminent philanthropists, but which are, at the same time, comparatively new to the public mind, and need to be presented in an attractive light to command attention; and to be invited by sensible men to do this, upon a few hours' notice, pours a flattering unction on one's

soul, not unlikely to betray him, as it has betrayed me, into a rash and hasty acceptance of the honor conferred.

But, although I am compelled to speak without preparation, at least with no preparation such as the intrinsic importance of the occasion demands, yet permit me to assure you, fellow members of the Prison Discipline Association, that the few words I have to say come from long-continued and most careful observation, and from the maturest thought I am able to bestow upon any subject. In fact, there is no department of humanitarian work that has greater attractions for me, or which engages my deeper interest, than the great labyrinth of puzzled investigation—the treatment of crime and criminals. For more than forty years I have studied its difficult problems, and have carefully watched the progress and experiments of Prison Discipline Reform. Forty-three years ago it was my weekly walk from Harvard Divinity College to Charlestown State Prison, or Boston Leverett street jail, or the jail at Lechmere Point, to teach Sunday School classes of sentenced criminals. I cannot help smiling now, when I think of my utter unfitness for the work. A very young man, not yet fairly out of boyhood, as thoroughly inexperienced in the world's ways as a little girl, as verdantly green with respect to the dark iniquities of criminal life as it was conveniently possible to be; brought there into immediate contact with the rugged and hardened outcasts of society, who had sounded the depths and explored the obscure places of the deadliest sin, they must have looked upon me with half amusement and half surprise. I well remember, what I did not then understand, the quaint expression of their faces as I attempted to show them that the way of transgressors is hard, and the way of return to God's pity and love was clear and plain. The first they knew full well; the second was harder for them to see. At one time I had a murderer, sentenced for life, and a burglar, and a three times convicted thief, in my class, and in my mind's eye, can see them before me now. To confess the truth, I fear I taught them very little, and perhaps did them but little good. But, what is more to the purpose, they taught me a great deal, and I am inclined to think that not even the best of my theological instructors, although the sainted Henry Ware was among them, conferred upon me greater benefit, or more lasting good, than I received, unwittingly, from those Pariahs of the human race. For they taught me that the prison holds human hearts, and that those whom men call vile, and upon whom the scourge

of justice most heavily and most justly falls, are as open to the influence of sympathy, and as grateful for the word of kindness and as ready to meet, half way, every sincere effort for their reform, and as deserving of friendly regard, as many of those who say, "God, I thank thee that I am not as other men are."

The worst men are not inside of the prison, but outside of it. They are those who have been in like manner guilty, but have known how to cover their tracks. They are men who have been equally skillful in defrauding and dishonesty, but have known how to put the money "where it would do the most good." They are the men who have risen high in office and have been called "benefactors," although they have risen, and thriven, and prospered by hypocrisy, chicanery and deceit.

It is a good thing to have learned, and I am grateful for that early experience among men who stand in the world's census as the worst, not because it is pleasant to believe that there is still greater iniquity in the high places of success, but because it is a good thing to know that the light of God's love shines down into the deepest depths, and that the blessed Spirit of the dear Lord Jesus yet continues to visit "the spirits that are in prison." It is a good thing to know that the seemingly hardest heart feels the gentlest touch of kindness, and that no human soul is so lost that it may not, if you seek for it, be found.

From that day to this I have looked upon the prisoner with pity and friendly interest, unmingled with abhorrence; and most heartily do I regret and repent that I have done so little in this direction of work, where I once hoped that I should do so much. But, alas, these absorbing cares of average life, and the pressing duties of one's special pursuits—how they keep one back from his best inspirations, and we make that last which to the Christian workman ought to be first, and neglect the friendless because they have no friends! What are our churches made for? What does the "preaching of Christ and Him crucified" mean? or what salvation can the ministrations of religion bring to our own souls, if there are here, right within our reach, those who are sick and in prison, whom we utterly forget to help, although it was He who said, "Inasmuch as ye have not done it to the least of these, my brethren, ye have not done it unto me?"

By so much the more is there reason for such associations as this, and for their meeting in the great cities, where the great work of philanthropy must always be done. A fresh and new impulse

is needed here, and in every central working place of the land. No where is it more needed—let me say it very plainly to you, fellow-citizens of St. Louis—than here in the midst of us. Our station-houses, our calaboose, our work-house, our jails, our state penitentiary, need a far closer inspection and far wiser administration than they have yet received. Into no one of them, from first to last, is there now a reasonable ground for hope that those who enter bad will not come out worse. Corrupting institutions, instead of reformatory, to a sad degree, they all are. To punish, to degrade, to deprive the prisoners of hope, to educate them in crime and fill their hearts with bitter and revengeful feelings, would seem to be the aim, as it is unfortunately too often, the result. We see the beginning of a better day; a divine spirit is brooding over the dark waters, but it is yet a dim twilight, and the question of how we can make our prisons cost the least is yet more anxiously asked in our City Council and State Legislature, than how the criminal can be most certainly reformed. In the work-house, the “rock-pile” is the only industry for man or woman, by which the fine can be worked out; in the jails, enforced indolence and consequent demoralization are a part of the penalty; and our state prison is a farmed out workshop, where 900 inmates have been let or sold to the best bidders, who will prove themselves to be far better than the average of men, if they do not look twice to their own pockets where they think once, if they think at all, of the prisoner’s soul. The true interests of the imprisoned would seem to be the last thing taken into account. It would seem to have been forgotten that reformation of the criminal is the only sure protection of society from crime. Nearly 200 years ago, in Rome, Pope Clement XI. caused an inscription to be placed in the principal prison upon a marble slab in these words: “It is of no use to restrain criminals by punishment, unless you reform them by discipline.” I wish that we could import that noble utterance, and write it in unerasable letters, in every prison here. It would work a revolution, if faithfully regarded, in every department of penal jurisprudence, and in every prisoner’s cell.

I do not now speak of the special management of our prisons, nor of specific faults or abuses, for so far as my personal observation goes, the prison officers and officials do their duty reasonably, some of them exceptionally, well. But I speak of evils of system, prevalent here and everywhere, of inherent wrong in the principles on which prison discipline is founded and administered, the correc-

tion of which must come, if at all, by the increase of knowledge, and by the advanced civilization of society. Not punishment, but reformation, should be the chief aim. We desire to fall into no weak sentimentalism. We would not shrink from making men suffer. We ask for no cossetting and foolish indulgence for those who need to learn that as a man sows he must reap. We would not go one step further as philanthropists than we can go as men of common sense. But we insist upon it that the criminal, whether in calaboose, or work-house, or jail, or penitentiary, shall be treated as a human being, having the same natural rights as the rest of us, not necessarily worse than many of ourselves, capable of being redeemed from guilt and its degradation, and therefore to be taught while he is punished, to be addressed by the arguments of hope more than of fear, to be trained, even in prison, to the rational use of liberty, and so to be prepared for his restoration, at the earliest possible day, to a nobler and better life. Would not such views of prisons and prison discipline constitute a revolution, a radical and almost universal change?

Would not such a theory, if everywhere introduced, constitute a new era in the treatment of criminals; bringing to their fulfillment the best ideas of Bentham, and Howard, and Edward Livingston, and Crofton, and Elizabeth Fry, and Josephine Butler, and Dorothea Dix, and Mary Carpenter, the representative men and women, who, with others like them, are the honored saints of the philanthropic calendar?

But for its practical realization we should need an equally new system in the selection and appointment of jailors and prison superintendents, to whom these sacred interests of humanity are intrusted. Now political bias, or personal friendship, or party influence, controls the appointment, and men unfit for any office of trust are too frequently invested with uncontrolled and unwatched authority over hundreds of helpless men and women, which they are almost sure to exercise arbitrarily and unjustly, whenever prejudice, or passion, or self-interest leads them astray.

Still further, and what is of equally great importance, such theories in penal jurisprudence and in the conduct of penal institutions would soon work a complete change in society at large, in its aspect towards the criminal, not only during his imprisonment, but after his discharge. At present the discharged convict is cast out of prison into a howling wilderness of suspicion, repulsion and contempt. No one likes to employ, still less does any one like to work

with, a man who has worn the prison garb, the recognized jail bird, the morally branded prison-slave. Nor can we wonder at it. For, as things now are, the demoralization of prison life is so great and so sure, that the prison graduate is "master of arts" in all villainy, and completely incapacitated, morally and intellectually, for all voluntary pursuit of honest work. Society is undoubtedly responsible for the shameful treatment of the discharged convict, by which he is doomed and fore-ordained to life-long progressive degradation. But there is a retroactive influence also, and if this National Association can succeed in introducing into prisons more humane and Christian methods of treatment, looking towards elevation and liberty instead of debasement and servitude, the corresponding work of right-minded men and women, outside of the prison walls, will become more practical with a fair prospect of its being faithfully done.

One more topic remains to be touched, which must not be omitted even in the most imperfect introductory address on an occasion like this—the preventive part of prison discipline reform. At last, after nineteen centuries of cruel experiment with gallows and block and imprisonment and whipping post and bread and water diet, and every conceivable method and degree of physical and mental torture, for the punishment of crime, the civilized Christian world is beginning to learn the first great lesson of moral therapeutics, that "an ounce of prevention is worth a pound cure." Beginning to learn, we say, for the lesson is not yet well learned. Our county jail yonder has cost more, twice over, than all the institutions preventive of crime in St. Louis county put together. Everywhere, all through Christendom, we spend very largely more for the punishment than for the prevention of crime. Most certainly this is equally unchristian, unphilosophical and unwise. But, happily, the whole tendency of modern thought is to better things. In many parts of this country, not excepting our own state, and in Europe, wise men and thoughtful women are directing their most earnest attention to the difficult but not insoluble problem of saving the neglected children from ruinous temptation, of checking the young in their early offenses by placing them under reformatory and educational restraint, and thus contending with crime by stopping the sources of its supply. This is the great, the radical work for us to do. All other methods are at best but curative of disease. This alone can preserve and maintain uncorrupted health. It is a direction of work, also, in which we can

all equally labor, every one in his own sphere. As Christians, as philanthropists, as legislators, as citizens, as parents, as men and women, in whatever station, with whatever degree of influence, we may all do our part in this Christianlike labor of love.

But we are learners yet, inexperienced and immature in our thought. To the wise counsels of this Association we must all look for such suggestions as will strengthen our good purposes everywhere, and direct us so that we may not work in vain.

ADDRESS OF WELCOME BY LIEUTENANT-GOVERNOR JOHNSON, OF MISSOURI.

Mr. President and Members of the Congress: On behalf of the people of Missouri, I desire to extend to you a hearty welcome. I can assure you we feel gratified at your presence, aside from the representative capacity you possess, and we propose to extend to you the measure of our hospitality. At the same time we feel a higher gratification in your presence as delegate members of a body convened to inquire into, and labor for the advancement of, some of the most important social interests of the nation. In this view of the object of your meeting, we feel a more than ordinary pleasure in greeting and welcoming you.

The objects of your Association, I can assure you, are duly appreciated by the intelligent and thinking portion of our people. The proceedings of this Congress heretofore have been watched and studied with interest, and though it cannot be claimed that the varied and useful facts, truths and suggestions evolved from its discussions have received, to any great extent, a practical utilization, still there has been a marked development of interest in, and necessarily of intelligence on, all questions discussed by the body. And this is true not only of Missouri, but of the surrounding states of the west and northwest. And from your proceedings at this session, a decided impetus may be expected to this interest, and a corresponding development of required intelligence. In truth, it may not be going too far to say that more good may be anticipated by your action at this session than at any yet held. The time is peculiarly propitious, and, without presumption, the place—the centre of a teeming, youthful, vigorous, independent, active-brained community—is appropriate.

The result of your deliberations will be disseminated in all directions by an ever-working, tireless and ubiquitous press. It will go among communities asking and seeking for information, enlightenment, direction. Tritely: it will be like good seed sown in good ground, and the ground well prepared to receive it.

Nor is it at all surprising that there should be an increasing interest taken in the objects of your Association. For, notwith-

standing great and material advancement in national power and prosperity, the observing and reflecting mind has not failed to note, in this country, a prevalence of crime, without a parallel in its previous history. It flourishes in all directions, and branches out in varied and original forms. It no longer skulks a cringing coward in the habitations of darkness; it swaggers a bullying giant in the busy thoroughfares of life. Every reader of the daily journals is startled at the constantly recurring accounts of corruption, venality and violence in the land. It would seem to be the day of crime's high carnival. It is brazen and insolent in demeanor; it is daring and aggressive in action. This attitude forces into recognition, as the most important problem for legislative solution, the inquiry: How can society more effectually protect itself against crime? And the moment such recognition occurs, the vital and all-important objects of the Prison Reform Association, with its recurring congresses, is conceded on all sides. It seeks a solution of this problem through means at once philosophical, philanthropical and practical. It is a vast work which the Congress has undertaken, for notwithstanding a wonderful intellectual activity touching every social question suggested, for many reasons, some of which might be enumerated, if necessary, there has been either a lack of capacity, but more likely of desire and effort, to utilize rational deductions and incorporate them into necessary legal formulas and enactments. Able thinkers in this generation have done a grand and noble work. They have developed rich veins of thought and opened up mines of truth, but the legislator and the statesman have sadly failed to mould for use the valuable materials furnished, and they yet await the hands of more capable and patriotic laborers. Nor, in reference to the condition of affairs as noted, at once arresting attention and awakening anxiety, is it at all difficult to account for it, if we consider the means heretofore and at present used for the prevention and repression of crime? How strikingly inadequate are they to the demands of the times! How false in theory and futile in practice! What cumbrous and antiquated machinery is still in use; old forms, styles and precedents—types of an antique, possessing little of harmony or of beauty. Perhaps we have not had time, in the multiplicity of material interests, to give due consideration to this subject. But very sensible people are beginning to think that unless time is taken to earnestly and rightly consider it, we may be deprived of the opportunity of giving attention to any other subject in the not distant future.

On all sides we now hear the question asked: How is this problem to be solved, and vice and crime to be controlled and repressed? To do it, I think, requires a very decided revolution in the existing state of affairs, touching the methods of repression and prevention. The roots of the evil, furnishing a pernicious growth, must be torn up and destroyed. How can we expect to lessen the swelling current of vice and crime, when we are daily educating thousands of children as criminals?

It may be thought a bold assertion, by some, to say that we are so educating them. But society is doing this very thing, and is beginning to suffer terribly the penalty therefor.

They are so educated because we have originated so few effective agencies for the care, protection, and guidance of the children of misfortune, and so few agencies for restraint upon cruel and vicious parents and custodians. True, we, in Missouri, have, though still in its infancy, a noble system of education, looking to universality in its benefits, but it needs yet to be perfected, so as to reach the nooks and out-of-the-way places of the land, and protect, encourage, raise up and light the paths of the little victims of a harsh and relentless fate. And look at the still prevalent ideas in regard to the criminal responsibility of juvenile delinquents and the general manner of punishment. True, many decided improvements have been inaugurated, and industrial schools and juvenile reformatories established, utilizing more advanced and rational theories; but the relationship between crime and infancy in general is viewed in about the same false light to-day as it was in the days of Hale and Coke. And here, after all, is the field for the accomplishment of the most good in the work of your desired reform. Here is where the pure waters of humanity are first defiled and made to run forth in streams of poisonous social infection. If it were possible that all the little waifs of misfortune, whose brains are forced into a premature activity by the necessity of answering the most reasonable desires of nature, could be directed and guided to good citizenship, how wonderful would be the revolution in the criminal statistics of a single decade! And are they not generally fine material for citizenship? We find them active, alert, precocious, with a brain power only here and there injured with vicious hereditary taints. They are scattered throughout the land, and swarm in life's teeming avenues in large cities. They are an army bivouacked in the very centre of society, I might say, with no rational discipline, with few or no experienced or sensible officers, and a commissary supplied by irregular foraging in all

directions. From this source comes the reckless, daring, shrewd and, in many respects, enterprising criminal of the day. In the majority of cases they are not so from choice; they are so from misfortune, from education, and from the application of state laws, deemed, in the supposed wisdom of law-makers, to be necessary and effective agencies for the extermination of crime. Now, herein I am not saying too much. The administration of existing penal laws, as affecting boys, makes those boys, in the majority of cases, crime-committing men. I will not detain you by illustrating this assertion; but I feel confident that the experienced will agree with me without any further argument or illustration. And I speak of the application of these laws generally, not forgetting the exceptions in certain localities. There is considerable activity manifested by reason of the philanthropic labors of certain humane gentlemen to prevent cruelty to animals. A society for the prevention of cruelty to children would be better adapted to our immediate wants, and the first culprit brought to the bar and vehemently prosecuted ought to be the State in its sovereign capacity. The truth is, children do not commit crimes. They do things that we call crimes; but, with them, the essential of crime, the existence of an intelligent intent to do wrong, rarely exists. They should be treated—all this class—by an enlightened, parental system, not of punishment, but of education; and, above all things, they should be freed from the destroying effects of public condemnation and lasting disgrace, attendant upon penal incarceration under existing systems. When such ends are attained, the fountain-spring, now muddied with poisonous impurities, will be purified, and will fructify the land with more healthy life-currents. Crime will have received its most deadly wound.

Again: to carry out the main and ulterior objects of this Association, what an extensive renovation of the criminal code is requisite! In this department of social science less improvement has been made than in any other branch that can be named. We are to-day living under the laws of the colonies; yes, the laws, forms and precedents of even an earlier date. Herein we find the spirit of a past age forced into modernized and unnatural forms, in an attempt to meet present social requirements. And present requirements are not met at all. The main strength of a penal law, as most men know, is in the certainty of its enforcement. Without this, penal statutes soon lose all force, and sink into distise. The members of society must know and firmly believe in the life and vigor of the law. Well, the time may have been when there existed in the public mind such a

belief—a belief of the certainty of punishment for violated law to such extent as to make it a rigorous deterrent to evil doers; but I submit that it exists no longer. It is a myth. And this not because there are no good and reliable judges, prosecutors, jurors and executive officers, but because we have such inefficient and unreasonable laws on our statute books. The lack of this certainty of punishment has a most pernicious effect on the criminal classes, and throws down the barriers to temptation to those not as yet full members of that class. Besides this, it interferes with the real work of prison reform, in that your convict to-day rarely thinks of suffering the penalty of a pronounced judgment. And, notice the lack of uniformity in penal laws. Every state has its own laws, framed with no reference whatever to adjoining communities. In this respect I might say they are not only dissevered, but belligerent. Commence the trial of a murderer to-day in the city of St. Louis; have a jury sworn; let the main witness then cross the river before testifying; and what means is there to bring him back and vindicate the violated law of Missouri?

The decided lack of vigor in existing penal codes to meet social requirements is demoralizing public sentiment more than is generally supposed. Laws educate the people, and the people reflect the character of their laws. It may not be proper for me to go further in noting the marked defects in our penal system, but I cannot refrain from stating that, in my opinion, we can never reach the needed reform in criminal procedure, until ability and experience can be utilized in assigned legislative commissions; until a constitutional elasticity is granted that will enable the law-making power to provide means to meet the requirements of daily developments; until uniformity in the enactment, and co-operation in the enforcement, of laws exist among all the states; until useless forms of criminal presentation are abolished; until the jury system is made more perfectly to reflect the intelligent opinion of the public; until a power to inflict other than capital punishment in cases of murder in the first degree shall be given; and, lastly, until the pardoning power shall be so delegated that justice may be always awarded to the deserving, and mercy extended with wise judgment and discretion.

In solving the problem before announced, what a vast work there is to do in improving prison discipline so as to make it humane and reformatory in its character, and thereafter in assisting and encouraging to honest labor discharged convicts; and

right here it may be well to note an erroneous opinion, prevalent in some localities, in regard to the objects and intentions of the laborers in behalf of prison reform. True, a humane feeling for the convict enters largely into the consideration of the work, but at the same time a broader object is aimed at in the anticipated good to society, accomplished by the individual reformation. Prison reform is prompted by no maudlin sentimentality, but by logical conclusions of its necessity as a paramount means to diminish the great volume of crime.

The generally prevailing prison system of this country does not reform criminals. It is borrowed from precedents across the water. Its origin there dates back to barbarous times, when capture was slavery. Somewhat modified by the advancement of civilization and religion, it is, nevertheless, to-day, a species of slavery, existing without reason, and with little benefit to the culprit or to society. I have said before that crime, in the majority of cases, is the consequence of misfortune. I reiterate the assertion, and for proof appeal to the registry of every prison in the United States and Europe. How few really professional violators of the law do you find? You find, instead, the unfortunate, the misguided, the poverty-stricken. Not beings specially at war with society, but beings who, perhaps it might be more appropriately said, society has warred upon, though not intentionally. It is a fact, extensively noted by observers, that in most cases of crime the perpetrator has rarely any realization of the turpitude of an offense until after its commission. In most cases he is sorry for his action. Thoughtlessness, want of reflection, enters largely into the commission of most offenses. The characteristics of criminals, as a whole, are sadly misconceived.

The general public are impressed only with the characteristics of noted criminals, who are very few, indeed, in comparison with all those who suffer prison servitude, and they associate in their minds all offenders as possessing the same characteristics. This is by no means the case. The majority of criminals are not as bad as people think they are—that is, they are not so far removed from the ordinary type of humanity. I mention these facts as a preface to the question, How ought such persons under sentence to be punished? But, first, how are they punished under the generally prevailing system? Not quite as bad, physically, as when Howard began his noble work, or Godwin sent a thrill through Europe with "Caleb Williams." But morally, I take it, not much better.

They are punished in a manner not to reform them, not to make better men of them, but to make worse men of them, to improve them in villainy before sending them back into society. And right here let me say that this is one of the most prolific causes of the increase of crime in society to-day. For your criminal is not always a fool. Active brains are behind prison bars; and when they go out into society as improved villains, educated as such by the state, they not only, as a class, commit their depredations against society's laws, but they exercise an influence greater than is supposed, in vitiating and debasing the public morals.

On conviction they are denounced as slaves, and they are made to know and feel that they are slaves in short order. The original upbraidings of conscience are soon quieted by a process that blunts pride of feeling, and destroys self-respect.

The fact that torture is administered occasionally to accelerate to stolid indifference and soul-degradation does not make the matter very much worse. The lash, the cold souse, the bull-pen, and now and then the bullet, are simply ornaments, as you might call them, to the existing system. Make a man a slave and force him to a recognition of the fact, and accompanying indignities only vary the sequent evils. It is a barbarous system, and prevails in full vigor in Missouri and elsewhere, and it is simply a shame and a disgrace to the civilization of the age in which we live. Why not take these children of crime, on conviction, and treat them as human beings should be treated? Why not apply to them the rules we know to be applicable for the amelioration and improvement of God's beings everywhere and under all circumstances? Why not teach them the uses and benefits of labor, and encourage them by the rational development of hope, by according them suitable rewards for meritorious work performed? Why not, in fact, while punishing them by a deprivation of liberty, prepare them to enter again as energetic and willing laborers in the world's great harvest-fields, with not only the hope but the assurance of an entire emancipation from convict ignomy and prison disgrace? Here is a field for noble and heroic work. Here is a domain for action calling into play all the finer sentiments of our nature—a domain worthy of the full measure of exertion of the philosopher, the statesman and the philanthropist. I have taken but a cursory glance at its extended outlines. I have done so more with a view of giving you assurance of our interest in the work, than to arrogate the capacity of instruction or suggestion.

That your deliberations may evolve such measures as will greatly tend to the attainment of the objects of your convention, and thereby advance the happiness and prosperity of our country, is the sincere wish of all the good people of Missouri.

Again I repeat, welcome, a hearty welcome to our city and state.

RESPONSE OF REV. J. B. BITTINGER, D.D., OF PENNSYLVANIA.

Ladies and Gentlemen, and Members of the Prison Congress : In responding to the words of welcome, so eloquently pronounced by the Lieutenant-Governor of this state, and in expressing, in some degree, the sentiments of the National Prison Congress, as well as the sentiments of this large and miscellaneous attendance, permit me to say, in the first place, that I know that the Association appreciate the kind and generous welcome extended to them by the citizens of St. Louis and the state of Missouri. It is worthy of yourselves, and of the cause to whose friends you have shown it.

You will pardon me if I seem brief in the expression of our sentiments of satisfaction at the manner in which you have received the Association, and pass immediately—for the hour has already considerably advanced—to the consideration of the question which has brought us together. I wish to be indulged, while I touch, just here and there, on certain points, to show that this is a large field on which we have entered. It is one newly opened to us, and is covered with clouds and darkness ; but it is not hopelessly nor helplessly dark. We have “blazed our way” through the thicket and forest, and now and then have seen the light streaming through from a better country. The problem, of course, is not one of easy solution, and the management of criminals may well tax the resources of the wisest sociologists—we need not look for the reason.

As long as a man is well, all goes well ; but when once this complicated instrument, this harp of a thousand strings, is jarred, then to find out where the jar is, and put it in harmony with its former self, is more easy to theorize about, than to accomplish. The tying up of a broken harmony is as difficult as to produce the original music.

Although our criminal population, in a census of 40,000,000, is only perhaps 40,000, and so would seem a mere bagatelle, and it could be no great matter just to take this “Devil’s Regiment,” as Carlyle calls it, and sweep it into perdition, and be rid of it ; yet

no sooner would you have done with this, than another 40,000 would knock at your doors, crying, "Here we come! 40,000 more."

Our criminal population is the steady flowing of a stream that has a fountain back of it. Into that spring of bitterness we must cast the healing branch, if we would sweeten these desolating waters. We must begin our work, not too sanguine in our expectations, yet enthusiastic in our efforts to accomplish the result. In doing it we have no novel practices to suggest, and no new principles to establish. We shall have to fall back upon that old fashioned principle, which all of us know and acknowledge in theory—a principle difficult to practise even in private life—I mean the golden rule, equally adapted to every duty and every exigency. But so absorbed are we in our private affairs, that we have no time to believe it or practise it, in reference to the wrong-doer; and so it comes to pass that the criminal does not get his criminal rights, and we have come to look upon him as a man that has no rights, except to be punished and forgotten. But after a while, whether you think of it or not, for the clock keeps moving on, the door of the prison opens, and the criminal steps out and takes his place again in the ranks from which for a moment he had fallen out, reinforced by a vindictive determination to be even with the community. Our prisons are not reformatories; but too often schools of evil, which graduate men with an intense hatred of the system of things which makes a prison necessary, and which sends them out to be teachers of crime.

The criminal is a human being. He has all the passions, all the sentiments, and all the intellectual qualities, as well as the physical mien, of a man. He is not harmoniously developed; but where do you find a man who is completely so developed—the wholly self-contained, self-restrained, self-balanced man, who holds in check all his appetites and passions? The criminal is a diseased man; that is, not wholly, but in great part; and when you put him in prison, it ought to be as into an asylum, or hospital, where he is to be cured of his disease; or into a school, where he is to be educated; or into a place of safe-keeping, where, being incapable of self-restraint, he shall at least be beyond the power of injuring any one.

Prisoners may be divided into the mentally insane, who cannot be criminals because they are insane, and the morally insane, who must be trained by the same influences, the same motives which you use in the case of the men and women who every Sabbath occupy

these pews ; that is, by bringing to bear upon the germs of intellect and moral responsibility left in them, those truths, that dew of heaven, and that sunlight of the upper world, which shall make fruitful and beautiful these stunted germs of life. "Can it be done ? It can. There have been as great discoveries made in the art of applying the golden rule, as there have been in the application of steam, or the law of gravitation.

Captain Maconochie is as great a genius in the penal world, as Stevenson, who built the tubular bridge at the Straits of Menai, is in the engineering world.

Taking the principles which we use outside of the prison, and carrying them inside, we discover that they lose none of their efficacy. We find that as each one of us works under the inspiration of hope, the expectation of reward, the desire to raise ourselves, and to indemnify ourselves for our labor, so these men in prison will do the same things under the same motives. Not every one, for there are a great many men, not only in prison, but outside too, whom, do what you will, you cannot teach to be industrious by any motive that has been discovered as yet. Still, may it not be possible, by some means not yet discovered, to teach them first of all the lesson of life, getting an honest living ? You must first beget in the prisoner the love of work, and then you must furnish him while in prison with the opportunities of work.

The enforced idleness in most of our common jails is a fruitful source of crime. We have 2,100 county jails, and most of them are the "devil's work-shops." To the inmates, whose previous habits have been those of industrious labor, these castles of indolence are bad enough, but they are a thousand-fold worse in their influence on those who are naturally indolent, and who are here taught the art of living on the community, without doing it honestly.

While we have modern and better conceptions in regard to the construction and management of penitentiaries and reformatories, the jails are venerable with age and iniquity. The hand of reform has not yet touched them. Anybody, good enough to be a sheriff, is good enough to take charge of the county prison. The county jail is his preserve. Of those who fill our penitentiaries, the greater part are graduates from these lower schools. It is to be hoped that this Congress will formulate some action on this subject.

You must give the prisoner an education, intellectual, moral, industrial, economic ; such an education as will put it within his power, when released, to keep out of crime. There is no sadder

picture than that of a liberated convict, facing the world from the threshold of a prison. Who will receive him? Where shall he go? You can hardly expect him to be a martyr, and yet, if the community will not employ him, he must either steal or starve, must return to the prison or die. The Irish or Crofton system has, in a good measure, solved this question. Mr. Organ had more applications for discharged convicts than he could meet.

The principal factor in the best management of a prison is the right man. Without this, the best system will prove useless; with it, the worst may produce good results. When you find your man, or your woman, for I believe that only women should have the management of female prisons, then keep them. They are cheap at any price. I need hardly say that political appointments are the worst that can be made. But you must make the good prison officer as you make the good schoolmaster, the good engineer, or good doctor, by training him specially for his work.

The more a prison is made reformatory, the more profitable will it prove economically. It must be so. Industry is a moral power outside of the prison, and morality is an economic power outside of the prison. They bear exactly the same relations to each other inside of the prison.

But I must stop; I have detained you full long already. Permit me to close with the single sentiment, or proposition, which I am sure will not be disputed: A CONVICT SAVED IS A MAN MADE.

REMARKS BY GOVERNOR BEVERIDGE, OF ILLINOIS.*

Mr. President, and Gentlemen and Ladies of the Congress: On my way homeward from Washington, I have called at the great city of St. Louis to look in upon this Congress, and in my humble way bid you God-speed in your noble work. I did not come here to take any especial part in the business of this Congress. By a resolution passed by my state, I have delegated certain men and women to attend this Congress, and I suppose they can well perform the duties in behalf of the state. They may not be big guns, yet they will keep up a pretty brisk fire of small arms. They may not be great and shining lights, yet their light shines and burns steadily. Now

* This short speech of Governor Beveridge was made at a later date in the proceedings, but it seems to "fit in" best at this point, and is accordingly given here.

we have an institution in Illinois that is located near Chicago, and you St. Louisians know that the Chicagoans are pretty good at boasting, and if our institution is located near Chicago and I boast a little, you will forgive me. I wish to assure the good friends at St. Louis, that Chicago is not jealous of St. Louis. We believe that in this great valley of the Mississippi there is room for two magnificent cities, one on the lakes, and one on the river; and that these two great cities will be the centre of trade and commerce, not only for the northwest, but for the world; commanding and controlling the United States of America, from ocean to ocean. This penitentiary of ours, in my humble opinion, is the best managed institution in the United States. The prisoners are the best fed and clothed and housed and cared for, the best disciplined, and we get more labor from them without that severe discipline—the lash—than any other in the United States of America. The prison is conducted more for the interest of the prisoner and the state than any other prison in the country. Now, I am in favor of making prison life comfortable; I am in favor of making prison life reformatory; yet notwithstanding that, we must not lose sight of the fact that the prison is not an outgrowth of sympathy or love. It comes from a sense of justice, and is designed to protect society from bad men. But while I would make prisons all they ought to be, I would not make them so desirable that we would all like to go there. I would not make purgatory more desirable than paradise. If we don't do the poor unfortunate good, it does us good, with humble hearts, with the spirit of Christ in our souls, to go down with Christ among the lowly of earth, and labor with them to bring them up to a higher plane of humanity. Just as sure as we do thus go down, and take hold of the unfortunate, whether it be to reform school, or industrial school, or penitentiary, we will not only elevate ourselves, but we will elevate a class of humanity, and do them and ourselves good, and bring to Christ, our blessed Master, glory.

LETTER FROM HON. JOSEPH R. CHANDLER, OF PENNSYLVANIA.

Dr. Wines said he had a short letter from a gentleman who should have been with them that night to respond in a few words to the welcome on that occasion, as received at the hands of this state and city. Although fourscore years of age, the writer had crossed the Atlantic to attend the International Prison Congress at London:

PHILADELPHIA, *May 8, 1874.*

Dear Dr. Wines : Though appointed to represent the Philadelphia Prison Society, and commissioned by the Governor to represent the State at the Congress of St. Louis, I am unable to do the duties involved in that appointment. The illness of last winter has left some severe marks upon me. I am afraid of the travel without my wife, and she is not able to accompany me. I had so fixed my mind on going to St. Louis that I did not prepare a paper, as I proposed. The great work is before you, and I hope all will rise to its great requirements. Keep down that miserable calculation of dollar and cent profit from the labor of convicts. One man restored to virtue is a better offering to society than thousands of dollars derived from convict labor. Keep the felon from the terrible companionship of the felon ; and discountenance all jobs and jobbing out of the industry of the prison.

With regard to prison administration there is a liberty that belongs to the imprisoned. Look to that. See that he has liberty to think and pabulum for thought. See that his liberty of conscience is not invaded by the imposition of what is opposed to his conscience, or the withholding of what that conscience desires ; and never suppose that the indifference of one will answer for the positive wants of another.

Prisons may be built, and cells crowded, and officers appointed to keep all safe ; society asks that for its own protection. But no prison, whatever its plan, and no officers, whatever their vigilance, and no general instructors, whatever their learning, will meet the great object of imprisonment. There must be direct personal dealing with the convict, and that dealing must be of such love, and with the appearance of such disinterestedness, as will insure the full confidence, and thus the improvement, of the prisoner. But I only meant to express regret that I am unable to meet you. May God direct and bless your deliberations.

Yours very truly,

JOSEPH R. CHANDLER.

Gen. Minor moved that a committee of three be named to examine and report on the credentials of members. Carried, and the chair appointed on said committee, Messrs. J. L. Minor, of Missouri ; H. A. Monfort, of Ohio ; and D. L. Crossman, of Michigan.

On motion by Rev. F. H. Wines, of Illinois, a Committee on Permanent Organization was appointed by the Chair, consisting of the mover as chairman, together with Messrs. Weedon, of Rhode Island ; Wright, of Tennessee ; Hurlbut, of Wisconsin ; Griffith, of Maryland ; Milligan, of Pennsylvania, and Joyes of Kentucky.

On motion, the Congress adjourned to meet in the same place at 10 o'clock to-morrow morning.

THURSDAY, *May 14th, 1874.*

The Congress reassembled at 10 A. M., pursuant to adjournment, Judge Walker in the chair.

Prayer was offered by the Rev. J. H. Brookes, D.D., of St. Louis.

Rev. F. H. Wines, from the Committee on Permanent Organization, reported a list of nominees, and the Congress was organized with the following officers :

President—Hon. Richard Vaux, Pennsylvania.

Vice-Presidents—Hiram Foster, Connecticut ; Theo. Canisius, M.D., and Mrs. M. E. De Geer, Illinois ; Mrs. Rhoda Coffin, Indiana ; A. W. Craig, Iowa ; Henry Hopkins, Kansas ; Rev. Samuel R. Wilson, D.D., Kentucky ; W. W. Rice, Maine ; G. S. Griffith, Maryland ; Rev. Marcus Ames, Massachusetts ; Hon. E. C. Seaman, Michigan ; Hon. Arnold Krekel, Missouri ; Wm. Woodhurst, Nebraska ; P. C. Hyman, Nevada ; Rev. Wm. Clark, D.D., New Hampshire ; Levi S. Fulton, New York ; G. E. Howe, Ohio ; Henry Cordier, Pennsylvania ; Benoni Carpenter, Rhode Island ; Wm. M. Wright, M.D., Tennessee ; Ex-Governor Dewey, and Mrs. A. D. Hendrickson, Wisconsin ; and A. P. Rockwood, Utah.

Secretaries—James L. Minor, Missouri ; Rev. J. L. Milligan, Pennsylvania, and Mrs. Hattie K. Bane, Illinois.

Treasurer—T. H. Nevin, Pennsylvania.

Official Reporter—Rev. S. S. Gilson, Pennsylvania.

On motion of Dr. Wines, Ex-Gov. Dewey, of Wisconsin, and Augustus W. Alexander, of Missouri, were constituted a committee to conduct the newly elected President to the chair. On assuming its duties, Mr. Vaux said :

Gentlemen of the Convention : Your action in calling me to preside over the deliberations of this Convention, I construe into an honor to the state I represent, and the commission I bear. As such it deeply impresses me.

For over thirty years I have been engaged in the continuous study of systems and theories of penal jurisprudence in their administration as an element in social science. This has given me some familiarity with the general subjects which will occupy your attention. There are no subjects more interesting to mankind than those which will come before you, and I assure you, gentlemen, that in discussing them, you should invoke large experience, deliberate study, and careful thought.

This great science, with all that relates to it and affects it, reaches through the understanding of man to his heart and to his soul. Those who believe that it can be discussed upon crude ideas, general theories, and strong impressions, emotions or prejudices, will find, the longer they consider the question, how greatly they have been mistaken.

The time of this Convention is most important. Gentlemen have come from all parts of the United States, willing to devote the time necessary for the deliberations of this body. I shall not, therefore, occupy any more of your attention in the salutatory address I have now the honor to present to you.

The Rev. F. H. Wines further reported from the Committee on Organization, a recommendation that two committees, to consist each of seven members, be appointed; one on finance and the other on business.

The Chair constituted these committees as follows, viz.:

On Finance.—C. A. Gibbs, Wisconsin; Thomas A. Barlow, Pennsylvania; A. P. Rockwood, Utah; Judge Bradwell, Illinois; P. C. Hyman, Nevada; Mrs. Myra Bradwell, Illinois; and Patrick Joyes, Kentucky.

On Business.—C. I. Walker, Michigan; M. W. Wright, Tennessee; Thos. J. Bigham, Pennsylvania; Dr. Wines, New York; Rev. Dr. S. R. Wilson, Kentucky; Rev. Marcus Ames, Massachusetts; and Hon. S. M. Breckinridge, Missouri.

On motion of Dr. E. C. Wines, Cushing's Manual was adopted as the parliamentary law for the government of this body, and it was ordered that members, in discussing papers and resolutions, be limited to ten minutes each, except by special leave of the Congress.

On motion of Rev. Dr. J. B. Bittinger, of Pennsylvania, the following hours of meeting and adjournment were adopted, viz.: 10 A. M. to 1 P. M.; 3 P. M. to 5 P. M.; 8 P. M. to adjournment.

ROLL OF MEMBERS.

General Minor, of Missouri, from the Committee on Credentials, reported the following members:

1. *Alabama.*

Not represented.

2. *Arkansas.*

Not represented.

3. *California.*

Not represented.

4. *Connecticut.*

Hiram Foster, Trustee State Reform School..... West Meriden.

Dr. J. B. Whitcomb, Trustee State Reform School..... Brooklyn.

5. *Delaware.*

Not represented.

6. *Florida.*

Not represented.

7. *Georgia.*

Not represented.

8. *Illinois.*

His Excellency John L. Beveridge, Governor.....	Springfield.
Dr. Theodore Canisius, President Board Commissioners State Prison,	Aurora.
Gen. M. M. Bane, Sec. Board Com'rs State Prison	Quincy.
Mrs. Hattie K. Bane.....	Quincy.
Col. John M. Southworth, Member Board Com'rs State Prison	
Marvin H. Bovee.....	Chicago.
Rev. Fred. H. Wines, Secretary Board State Charities	Springfield.
Hon. Elmer Baldwin, State Senator.....	Farm Ridge.
Hon. James B. Bradwell	Chicago.
Mrs. Myra Bradwell.....	Chicago.
Mrs. M. E. De Geer, State Temperance Lecturer and Ed. Crusader,	Chicago.
Miss Lottie Moore, Visitor of the County Jail.....	Springfield.
Rev. A. S. Briscoe, Chaplain State Prison	Joliet.
Charles E. Felton, Superintendent House of Correction	Chicago.
Hon. Lawson A. Parks, Pres. Bd. Trus. State Reform School	Alton.
Hon. Wm. Reynolds, Member Bd. Trus. State Reform School.....	Peoria.
Dr. J. D. Schouller, Superintendent State Reform School.....	Chicago.
Geo. W. Perkins, Ex-Superintendent State Reform School.....	Pontiac.
W. W. Wallace, Member Board State Reform School	Bloomington.
Hon. Barnard Amtzen.....	Quincy.
Rev. F. M. Gregg	Springfield.
Hon. H. C. Cunningham, Mayor	Charleston.

9. *Indiana.*

Charles F. Coffin, Pres. Bd. Com'rs Ind. House of Refuge	Richmond.
Mrs. Rhoda Coffin, Visitor Women's Prison	Richmond.
Col. John M. Ray, Member Bd. Com'rs Ind. House of Refuge.....	Indianapolis.
A. S. Evans, Member Board Com'rs Ind. House of Refuge.....	Fort Wayne.
Hon. Hamilton Smith.....	Camelton.
Amzi L. Munson, Pres. Board Directors State Prisons (South)....	Bedford.
Rev. John W. Sullivan, Chaplain State Prison (South).....	Jeffersonville.

10. *Iowa.*

William G. Hammond, Esq., Pres. Law Dept. State University...	Iowa City.
Joseph McCartney, Superintendent State Reform School.....	Eldora.
Major S. H. Craig, Warden State Prison.....	Fort Madison.
Rev. W. R. Cole	Mount Pleasant.
R. J. Finch.....	Fort Madison.

11. *Kansas.*

Henry Hopkins, Warden State Prison.....	Leavenworth.
Rev. B. L. Baldrige, Chaplain State Prison	Leavenworth.
Rev. J. F. Morgan, Ex-Chaplain State Prison.....	Lawrence.
Mrs. J. F. Morgan.....	Lawrence.

12. *Kentucky.*

Rev. S. R. Wilson, D.D., Member Kentucky Prison Association ..	Louisville.
Patrick Joyes, Pres. Board Commissioners Public Charities.....	Louisville.

P. Caldwell, Superintendent House of Refuge.....	Louisville.
J. B. Buchanan, M.D.....	Louisville.

13. *Louisiana.*

Not represented.

14. *Maine.*

W. W. Rice, Warden State Prison.....	Thomaston.
Rev. J. K. Mason, Acting Chaplain State Prison.....	Thomaston.

15. *Maryland.*

G. S. Griffith, Pres. Md. Prisoners Aid Association.....	Baltimore.
Thos. S. Wilkinson, Warden State Prison.....	Baltimore.
A. L. Whiting, Member Board Directors State Prison.....	Baltimore.
George P. Cane, Ex-Sheriff of Baltimore.....	Baltimore.
Samuel M. Shoemaker.....	Baltimore.

16. *Massachusetts.*

Rev. Marcus Ames, Supt. Girls' Industrial Reform School.....	Lancaster.
Rev. William Bradley, Missionary among the Poor.....	BoylestonStat'n

17. *Michigan.*

Hon. C. I. Walker, Pres. Board Ch., Pen. and Ref. Institutions....	Detroit.
Hon. C. M. Crowell, Sec. Board Ch., Pen. and Ref. Institutions....	Adrian.
Charles Johnson, Supt. State Reform School.....	Lansing.
D. L. Crossman, Member Board Control State Reform School....	Williamston.
A. J. Rogers, Captain of Police.....	Detroit.
S. K. Staunton.....	Detroit.
Hon. E. C. Seaman.....	Ann Arbor.

18. *Minnesota.*

Not represented.

19. *Mississippi.*

Not represented.

20. *Missouri.*

Robert E. Young, M. D., Surgeon State Prison.....	Jefferson City.
Hon. C. P. Johnson, Lieutenant-Governor.....	St. Louis.
Hon. Joseph Brown, Mayor.....	St. Louis.
Hon. B. Gratz Brown, Ex-Governor of Missouri.....	St. Louis.
Hon. Anthony Ittner, State Senator.....	St. Louis.
Hon. H. G. Spawnhorst, State Senator.....	St. Louis.
Hon. J. C. McGinniss, State Senator.....	St. Louis.
Hon. Henry T. Blow Ex.-Member of Congress.....	St. Louis.
Hon. S. W. Breckinridge.....	St. Louis.
Hon. E. W. Fox, Lessee State Prison.....	St. Louis.
R. R. Scott.....	St. Louis.
A. W. Alexander, Sec. State Board Guardians.....	St. Louis.
Hon. Arnold Kregel, Judge United States District Court.....	Jefferson City.
James L. Minor, Ex-Member Board of Guardians.....	Jefferson City.
George Partridge, Member Board Directors House of Refuge.....	St. Louis.
James E. Yeatman.....	St. Louis.
Joseph Campbell.....	St. Louis.
N. C. Hudson.....	St. Louis.
E. W. Pattison.....	St. Louis.
Wm. Glasgow, jr., Ex-Member Board of Guardians.....	St. Louis.
Hon. Thomas Allen.....	St. Louis.

J. B. Johnson, M. D.....	St. Louis.
Hon. J. G. Woerner, Member Board Guardians.....	St. Louis.
C. C. Whittlesey	St. Louis.
Captain Silas Bent.....	St. Louis.
Geo. P. Plant	St. Louis.
Henry S. Turner	St. Louis.
M. Dwight Collier.....	St. Louis.
Hon. Warren Currier	St. Louis.
Prof. S. Waterhouse.....	St. Louis.
N. C. Claiborne.....	St. Louis.
M. D. Dodd.....	St. Louis.
Geo. P. Strong.....	St. Louis.
C. H. Hughes, M.D.....	St. Louis.
R. M. Beach.....	St. Louis.
Webb M. Samuel.....	St. Louis.
Hon. Nerman J. Colman	St. Louis.
Wm. F. Harris.....	St. Louis.
Major J. B. Merwin.....	St. Louis.
Orin S. Baker	St. Louis.
Rev. W. G. Eliot, D.D., President Washington University	St. Louis.
Rev. H. A. Burlingham, D.D.....	St. Louis.
Rev. S. J. Niccols, D.D.....	St. Louis.
Rev. J. H. Brookes, D.D.....	St. Louis.
Rev. J. W. Allen.....	St. Louis.
Rev. Robert Irwin.....	St. Louis.
Rev. John Snyder.....	St. Louis.
Rev. C. A. Dickey, D.D.....	St. Louis.
Rev. Montgomery Schuyler, D.D.....	St. Louis.
Rev. Thos. Bowman, D.D., Bishop M. E. Church.....	St. Louis.
Rev. C. A. Van Anda.....	St. Louis.
Rev. W. M. Porteus.....	St. Louis.

21. *Nebraska.*

Wm. Woodhurst, Warden State Prison.....	Lincoln.
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22. *Nevada.*

P. C. Hyman, Warden State Prison.....	Carson City
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23. *New Hampshire.*

Rev. Wm. Clark, D.D., Member Prisoners' Aid Society.....	Amherst.
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24. *New Jersey.*

Not represented.

25. *New York.*

Dr. E. C. Wines, Secretary National Prison Association.....	New York.
Mrs. Emma S. Wines	New York.
Levi S. Fulton, Superintendent House of Refuge	Rochester.
Hon. E. J. Lowber	Brooklyn.

26. *North Carolina.*

Not represented.

27. *Ohio.*

Rev. A. G. Byers, Ex-Chaplain State Prison.....	Columbus.
Mrs A. G. Byers.....	Columbus.

Hon. A. E. Chamberlain, Pres. Board Directors House Refuge.....	Cincinnati.
H. A. Monfort, Superintendent House of Refuge	Cincinnati.
George E. Howe, Superintendent Reform Farm School.....	Lancaster.
Robert Waterton, Superintendent Industrial School.....	Cleveland.
Rev. Wm. Sampson, Chaplain elect Cleveland Industrial School..	Hubbard.
Mrs. Lois Sampson	Hubbard.

28. *Oregon.*

Not represented.

29. *Pennsylvania.*

Hon. Richard Vaux, Pres. Board Inspectors Eastern Penitentiary..	Philadelphia.
T. H. Nevin, President Board Inspectors Western Penitentiary...	Allegheny.
Rev. J. L. Milligan, Chaplain Western Penitentiary	Allegheny.
Henry Cordier, Superintendent Allegheny County Workhouse	Claremont.
Mrs. H. Cordier	Claremont.
Geo. R. White, Pres. Board Directors Allegheny Co. Workhouse..	Pittsburg.
Geo. Albree, Member Board Directors Allegheny Co. Workhouse..	Pittsburg.
Rev. J. B. Bittinger, D.D.....	Sewickley.
Hon. T. J. Bigham, Secretary Bd. Directors W. Pa. Ref. School...	Harrisburg.
Thos. A. Barlow, Member Bd. Directors House of Correction.....	Philadelphia.
Thos. H. Robinson, Delegate Prison Society.....	Philadelphia.
Penrose R. Hoopes.....	Philadelphía.

30. *Rhode Island.*

Benoni Carpenter, M.D., Member Board Inspectors State Prison...	Pawtucket.
Stephen R. Weedon, Member Board Inspectors State Prison.....	Providence.

31. *South Carolina.*

Not represented.

32. *Tennessee.*

Wm. M. Wright, M.D., Inspector of Prisons.....	Nashville.
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33. *Texas.*

Thomas Caxton, Clerk State Prison.....	Huntsville.
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34. *Vermont.*

Not represented.

35. *Virginia.*

Not represented.

36. *West Virginia.*

Not represented.

37. *Wisconsin.*

Hon. Nelson Dewey, President Board Directors State Prison	Cassville.
Hon. C. R. Gibbs, Sec. Board Managers Indust. School for Boys ..	Whitewater.
Hon. Edwin Hurlbut	Oconomowoc.
Hon. E. E. Chapin, President State Board Charities and Reform..	Columbus.
Gen. A. C. Parkinson, Sec. State Board Charities and Reform....	Madison.
Hon. John Partridge	Whitewater.
Mrs. A. D. Hendrickson, Matron Industrial School for Boys	Waukesha.

38. *Territory of Utah.*

Hon. A. P. Rockwood, Warden Penitentiary	Salt Lake City
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ANNUAL REPORTS OF STANDING COMMITTEES AND THE DISCUSSIONS THEREUPON.

I. REPORT OF THE EXECUTIVE COMMITTEE.

The Executive Committee of the National Prison Association has the honor to submit for the year ending April 30, 1874, the following

REPORT :

Death has been unusually busy during the past year with the men who have heretofore taken a leading part in the work of prison reform. Two of the Vice-Presidents of this Association, the Hon. Charles Summer and General Amos Pillsbury, and one of the most prominent and active of its Board of Directors, Dr. Edward W. Hatch, have departed this life since our last meeting. Another of its Vice-Presidents, a gentleman known and honored throughout the civilized world, Dr. Francis Lieber, died only a short time previously. And now, but yesterday as it were, a fifth has been stricken down, who has been a leader in this work for a full generation, the late John W. Edmonds, of New York. Judge Edmonds was not, indeed, an officer or member of the National Prison Association ; but the writer of this report was for nine years associated with him in the Executive Board of the Prison Association of New York, of which he was ever one of the most laborious and useful members. But, though not officially connected with our Association, he had a relation to it, nevertheless, having furnished a paper on "Reformatory Prison Discipline" for our first National Prison Reform Congress at Cincinnati, which he had greatly desired to attend, but was prevented from doing so by ill health.

From the above statement it will be seen that, although this Association has but just completed the third year of its existence, it has already lost by death three of its Vice-Presidents—each eminent, if not preëminent, in his own special walk ; each born to be a leader among men ; each, to borrow an expression often used by Homer in describing his heroes, "like unto a kingly man."

Dr. Lieber, as he was the oldest of this noble trio, was also the first to pay the debt, from which there is no discharge, having departed this life on the 2d day of October, 1872: an author, profound yet clear, whose fame fills two hemispheres; a scholar, whose learning, originality, taste, and power made him a bright and shining light in the world of letters; a publicist, whose genius pierced and illuminated the nature of civil government, the principles of true and rational liberty, the origin of laws and constitutions, and all the deep problems of political and social philosophy; and a man whom children loved and sages revered. The leading attributes of his mind, as portrayed by Judge Thayer, of Philadelphia, a delineator and eulogist worthy of his subject, were an intense love of knowledge, an intense love of truth, and an intense love of country, all united to an intense hatred of tyrants and tyranny; a hatred so intense that he has been heard to say that if he should chance to meet Louis XIV in the next world, he did not know how he could possibly speak to him.

But these are qualities and accomplishments on which there is no time, now, and if there were, this is not the proper place, to descant. A glance at his services in the department of Penology is the limit of fitting eulogy on an occasion like the present. It is quite natural and in the ordinary course of things, that Lieber, like Howard, should have taken an interest in the discipline and reform of prisons, for the former had twice been an inmate of German, as the latter had, of French prisons; one, because he was a republican under a monarchy, the other, because he was an Englishman captured by the French in time of war. His first labor in this field was the translation, in 1832, of the report made to the French government by de Beaumont and de Tocqueville on the penitentiary system of the United States, with an elaborate introduction and numerous comments by himself, all of which were in turn translated into German. The following year he was called to Philadelphia to discharge the honorable duty of preparing a plan of instruction for Girard College. Here he immediately became a member of the Philadelphia Prison Society, founded half a century before, and took an active part in its labors during the two years in which he resided in that city. Among the many works that he published during his twenty years' professorship in the College of South Carolina, are "Penal Laws and the Penitentiary System," "On Prison Discipline," "Crimes and their Punishment," the "Relation between Education and Crime," and The "Pardoning Power." In 1844 Dr. Lieber revisited Fatherland, and while

in Berlin had an interview with Frederick William IV. The king, now proud of his talents and his fame, tried to retain him in Germany, by the offer of a new professorship of Penology, together with the inspectorship of all the prisons in the kingdom. But the country of his adoption had for him more powerful attractions than all the honors which royalty proposed to shower on his head, so strongly in contrast with the persecution and imprisonment which, nearly twenty years before, had driven him forth an exile and a wanderer from his native land. In 1857 he was offered and accepted the chair of political science in the law department of Columbia College, New York. In 1863 he became a member of the executive committee of the Prison Association of New York, and when the National Association was formed, in 1871, he accepted membership on its board of directors, became one of its vice-presidents, and ever felt and manifested a lively interest in its affairs.

Dr. Lieber took a warm interest, first in the National Congress on Penitentiary and Reformatory Discipline, at Cincinnati, in 1870, and subsequently in the International Congress of London on the Prevention and Repression of Crime, in 1872. He was prevented from being present at the first only by the duties of his professorship, and he failed to attend the second, though anxious to do so, solely because Governor Hoffman did not honor himself and his state by offering him a commission to represent both in that body. The interest he took in this international reunion for the formation of prison reform, is attested by a speech he made at a public meeting in Steinway Hall, New York, January 27, 1872. Among other things, he said :

Now, for the first time, we shall have the happiness of seeing an international congress where Portuguese and Brazilians will meet with Russians and Americans, and English and Italians, to promote the work of prison reform. It is this feature, which is, perhaps, the most unique and the most interesting that can occupy our attention this evening. It is for this reason that I would recommend to all of you (and I am delighted to see such an assemblage here, I had not expected it, I am gladly disappointed)—to every one of you—to do whatever he possibly can to promote, in his way and for his part, this international penological congress. Let us all work, in our own ways, to advance this great end, and so the greater end of broad, solid, permanent prison reform.

The address in which these words occur was the last public speech Dr. Lieber ever made in advocacy of the cause of prison reform. They are, so to speak, his dying exhortation to the people of America to give to this work their sympathy and their active labors.

Next in order among the Vice-Presidents of the Association, whose departure from this earthly scene we mourn to-day, is General Amos Pilsbury, who, at the time of his death, July 14th, 1873, was within nine months of the completion of his fiftieth year of service as a prison officer. At the age of nineteen, that is to say, in April, 1824, he became a keeper in the New Hampshire state prison, of which his father, Moses C. Pilsbury, was at that time warden. Such were the ability and fidelity with which he discharged the duties of that position, that only one year later he was, by the unanimous vote of the Governor and Council of the State, made deputy warden, and invested with the grave responsibilities of the second place on the prison staff. In 1827, the two Pilsburys, father and son, were jointly called to take charge of the new state prison of Connecticut, at Wethersfield, with the understanding that the father should remain only long enough to get the establishment fairly organized and launched, when he would retire, and leave the reins in the hands of the son. This arrangement was carried out as agreed upon, and in April, 1830, Amos Pilsbury, then only twenty-five years of age, was placed at the head of the prison. Two or three years subsequently to that date, the prison was visited and inspected thoroughly by the distinguished commissioners of the French government, MM. de Beaumont and de Tocqueville, who, in their report, did not hesitate to give it the palm among American prisons, at least of the congregate order. From the start, the guiding principles which controlled the administration of General Pilsbury were: That while the criminal should be punished for his misdeeds, his punishment should be such as would tend to effect his moral reformation; that mental, moral and religious instruction was essential to this result; and that the labor performed in the prison should produce a sufficient income to pay all its expenses. Conformably to this programme, in addition to public worship and a Sunday school on the Lord's day, a daily service of prayer, with the reading of the Scriptures, was established. Secular instruction was given in the cells to such as needed it; useful and entertaining books were provided for the convicts; and the labor of the prison was so organized and conducted, as to yield not only enough for its maintenance, but also a handsome surplus. For the seventeen years prior to his accession, the prison had cost the state \$125,000 above its earnings; during the seventeen years of his incumbency, the surplus earnings were within a fraction of \$100,000, thus making a difference or gain to the state for that period of nearly a quarter million of dollars.

In 1845 Mr. Pilsbury received and accepted an invitation to organize and take charge of the Albany Penitentiary, then just about to be started, and here he spent the remainder of his long and useful life, with the exception of a brief interval, during which he assumed and discharged the duties of General Superintendent of Police for the City of New York, whence (and not from any military rank or service) he obtained the title of "General," which was ever afterwards applied to him. His administration of the Albany Penitentiary, extending through twenty-eight years, was a great success both in discipline and finance, and gave him a wide and honorable fame at home and abroad. After defraying all expenses both of support and administration, the aggregate surplus earnings, in cash, amounted to \$206,604. During the later years of his administration, General Pilsbury caused to be constructed the most commodious, spacious, and handsome prison chapel in the United States, and also a large school-room for the use of the convicts, with separate desks, blackboards, maps, globes, and other appliances for educational purposes, equal to those of the best school buildings in our large cities.

The following testimony from a gentleman long intimately acquainted with General Pilsbury and his penitentiary, is thoroughly just and true :

With the utmost firmness in the discharge of his often painful official duties, Gen. Pilsbury combined the most remarkable kindness of disposition. Stern and inflexible in the enforcement of the rules which experience had demonstrated to be essential to the safe government of a prison, he was full of benevolence, and to the well-disposed and the suffering was always kind and considerate. Thus he was both beloved and feared by those under his control, and preserved the most effective discipline. Though without pretension to learning, he was fond of reading, and had acquired a wide range of information which made his conversation instructive and agreeable. His judgment of men and things was eminently sagacious, and he could write vigorously and lucidly, as his private correspondence will show, if it ever comes to be published, although he was too diffident to write much for the press, and shrank from any attempt at public speaking. He had a nice sense of honor, and was scrupulously just in all his dealings. Kind and charitable he was in an eminent degree, and his personal habits were abstemious and pure. Far from being puritanical or sanctimonious, he had nothing of the Pharisee in his nature, but had a firm faith in the Christian religion, and, as long as consciousness lasted, manifested a sure hope of eternal life through the intercession of the Saviour.

General Pilsbury was an influential and honored member of the National Prison Congress of Cincinnati in 1870, and of the International Penitentiary Congress of London in 1872 ; in both which he represented the State of New York by appointment of its chief magistrate. It had been his ardent desire and fixed intention to be

present also at the Congress of Baltimore in 1873 ; but the disease (cancer of the stomach) which finally brought him to the grave had made such progress as to compel a resignation of his position in the penitentiary ; and of course it became impossible for him to carry out the cherished wish of his heart, with reference to attendance upon that meeting.

Of Charles Sumner, third on the list of Vice-Presidents, whose demise it is our painful duty to record, little needs to be said in this report, for the whole country has, for the past few months, echoed to the notes of heartfelt eulogy that have fallen from the lips and the pens of the truest, the noblest, and the most eloquent in the land. This great senator died suddenly at the post of duty, virtually in the senate chamber itself, on the 11th of March last, a few hours after listening, with proud dignity, to the official withdrawal, in that chamber, of the only censure which had ever been pronounced upon him by Massachusetts, and which, then and there, she publicly recanted, and acknowledged to be causeless and unjust. Mr. Sumner was a statesman, an orator, a patriot, and a scholar, who had few peers in this or any other country. The ages have given to the world only here and there one, who could claim equality with him in any of these relations. But it is not in these relations that we propose, now and here, to speak of him. That has been done, and will yet be done, by others more competent to the task. We shall utter only a few sentences touching his relation to what forms the great object of our labors as an Association—prison discipline and reform. As might have been expected from a person of his broad sympathies for the lowly and the unfortunate, Mr. Sumner early gave himself to this question with earnest and enlightened zeal. His voice was often heard in the annual reunions of the Boston Prison Discipline Society, which, for more than a quarter of a century, did effective work in its chosen field of effort. Nor was his pen idle. In one of the earlier volumes of his works are found two orations on this subject, replete with the highest wisdom, and marked by his customary learning, culture and eloquence.

When the writer of the present report first conceived the idea of an International Congress to study the difficult problem of the prevention and repression of crime, Mr. Sumner was among the earliest to send to him words of encouragement and cheer. He wrote : " I took much interest in the earlier congresses on prison discipline, and am glad to know that you are moving again in the same direc-

tion. An interchange of opinion and experience on the treatment of criminals would be of great value." Subsequently, to a public meeting in New York, called for the furtherance of this project, which he was unable to attend, he addressed a letter, in which he used this language :

It is not in my power to be at your meeting, but I make haste to express my sympathy with its object. For many years I have followed with interest the proceedings in our country and in Europe for reform in penal laws and institutions, always hoping to see them brought more and more in accord with reason and humanity. This interest is quickened anew by the thought that this important subject, in its various branches, is to be brought once more before a General Congress, where the civilized nations will be represented. Among the obvious results of the proposed Congress, which I am glad to anticipate, are two which are precious. The first is, the increase and diffusion of knowledge on penal laws and institutions, so that they will be improved everywhere. The second is, the practical manifestation of that community of interest among nations which, when fully recognized, will supersede standing armies and make war difficult, if not impossible. Any steps towards these benign results must have the best wishes of good men everywhere.

Apropos of Mr. Sumner's remark on the probable indirect tendency of the Congress to "make wars difficult, if not impossible," by drawing nations into closer sympathy and friendship, the writer is reminded of a conversation held with him only a few days before his death, in which he said : "Slavery has now almost wholly disappeared from the earth. The next great reform in order will be the abolition of war and the substitution of arbitration in the settlement of international controversies. I have sometimes tried to picture to myself the scenes of prosperity, peace, order, and happiness which would follow such a reform ; but my faculties soon break down in the attempt, and I find myself unequal to the task." In the same interview, referring to this very Congress, he inquired as to the probable character of Gov. Seymour's opening address, adding, "I know that it will be able and eloquent, but how about its tone and spirit?" The reply was, "Gov. Seymour is fully abreast of the latest and best thought on the question of prison discipline," whereupon he quickly added, "'Tis enough ; I am satisfied."

But there is one that we miss to-day above all others. Our honored and beloved colleague, Dr. Edward Walker Hatch, is no more. He has ceased from his labors, and gone to his reward. Never before was he absent from our council-board, nor would he have been to-day, but that he has been "called up higher." How much we miss and shall miss him ! his manly form, his beaming countenance, his winning smile, his genial humor, his earnest words,

his wise counsels, his power to pour oil on troubled waters, and to make one love him all the more, the more he differed from and opposed his views. Truly, a rare assemblage of qualities and virtues it was, that met and shone in our dear, departed brother. He was never absent from us before, he will never be with us again in these gatherings. He has left us, not like Lieber, Pillsbury and Sumner, after having reached the ordinary limit of human existence, but in the high noon of life, in the ripeness and vigor of his powers, and just when a brighter prospect was opening upon him than ever before, of honor, influence, and usefulness among men. "God moves in a mysterious way;" and it is ours to bend to the stroke, and to adore the wisdom and the goodness that we can neither trace nor fathom. "What I do thou knowest not now, but thou shalt know hereafter." Well and justly did his pastor, in pronouncing his funeral eulogy, observe: "In the supreme hour of life—the dying hour—it is not the peculiarities of a man's character, not the criticisable traits we may have discovered, or think we have discovered, that form the basis of a correct estimate of his life; but rather the sum of those qualities which, in their combination and unity, serve to project that life and its influence upon the community, in the performance of the man's life-work. Judging by this standard, we have before us the life of a true man: true to the fundamental principles, in accordance with which he shaped his life; true in every public trust; true to the best impulses and sympathies of his nature; true to the inspirations which came from his most exalted moments of spiritual meditation;" and true, therefore, we may add, to himself, to man, and to God. The power for good of such a character is not easily measured; and the good which this man actually accomplished, or set influences in train to accomplish, it is equally hard, or rather impossible, to gauge. Eternity alone will reveal the full sum. Yet we know enough to be filled with admiration at what was actually achieved by him; enough to make us regret that he was not spared to achieve all that his position, character, ability, and growing influence so well fitted him to accomplish. Without making comparisons, which might be distasteful, it is safe to say that Dr. Hatch has left no superior in his special department of work—that of reclaiming and leading back to virtue, vicious and criminal children. His reform school at West Meriden, Connecticut, had become a place of pilgrimage, to which numbers resorted from all parts of this country, and even from the old world, to see the fruits and learn the secret of a true reformatory

discipline, and from which none departed without taking away with him a charming moral picture, traced indelibly upon the memory.

While penning these very sentences, tidings are borne to us that another of our colleagues, a member of the board of directors, has fallen by the way. Oliver S. Strong died at Yonkers, N. Y., aged 68 years, on the 30th of April, less than two weeks, therefore, before the meeting of the present Congress. For an entire generation, Mr. Strong has been actively interested in reformatory labors connected with the New York House of Refuge, the earliest institution of its kind in this country, and mother of all the others, a goodly progeny of fair-formed and noble daughters. The estimate put by his colleagues and the public on his services, is shown in the single fact, more eloquent than words, that for nearly or quite a quarter of a century, he held the honorable and responsible position of president of the board of managers. Mr. Strong has been in feeble health ever since the organization of this Association, so that he has been unable to attend any of its meetings. But though earnestly desiring and hoping to be present, he sent to the Congress of Cincinnati, in a letter of regrets, the "assurance of his hearty sympathy in the cause in which the members of the convention were engaged."

It is fitting that the late John W. Edmonds, of New York, although not a member of our board or our society, should receive at least a passing notice in this report, for the cause of prison reform has had no truer or stauncher friend among us than he. He was appointed in 1843, an inspector for the state prison at Sing Sing, and with such quick celerity did his keen and active intellect grasp the necessity for reform, and so prompt and strong was the impulsion of his humane heart, that the very next year did not close before he had suggested, organized and launched the Prison Association of New York upon that beneficent career which it has now pursued for thirty years, with a zeal that has known no cooling, an activity that has never tired, a wisdom which, if not infallible, has made few mistakes, and a success that has given it an honorable renown to the outermost limits of civilization. Judge Edmonds was a man of the highest magnetism, and preëminently endowed with the rare power of imparting his own enthusiasm to other kindred souls. It is not wonderful, therefore, that he was able to infuse a portion of his own fire into the breast of a goodly number of New York's best and noblest citizens, among whom may be named the late Benjamin F. Butler, William Kent, John Duer, William T. McCoun, Ogden

Hoffman, Theodore Frelinghuysen, Daniel Lord, James Harper, the Rev. Drs. James Milnor and Gardiner Spring, and Archbishop Hughes. These and many others, scarcely less distinguished, were present at the public meeting in November, 1844, which gave birth to the New York Prison Association. At that meeting Judge Edmonds was the chief spokesman. In a speech of remarkable power and eloquence, he presented a mass of instructive facts and statistics, which he had gathered during the single year of his inspectorship. He showed the almost insuperable difficulties encountered by discharged convicts in obtaining employment; the fearful alternative offered them by society to starve or steal; the abundant streams of crime issuing from poverty, ignorance, evil associations, weakness of will-power, youthful inexperience, and mental imbecility; the degrading and hardening influence of severity, and the softening, elevating, reformatory effect of kindness, in the treatment of prisoners; the necessity of instructing them as well in secular as religious knowledge; the hopeful nature of the work contemplated by the new society; the duty of raising and reforming the fallen; and the need of thorough reform in the principles and methods of prison discipline. From that day to this, the association, as already stated, has held on the even tenor of its way. Judge Edmonds has been a member of its executive committee from first to last, with the exception of a very few years, when he was dropped out on account of his adoption of the spiritualistic theory. He has always been one of its most intelligent as well as active workers, and even when death overtook him, it found him engaged in the preparation of a paper to be inserted in the forthcoming annual report on "The Improvements needed in the Disciplinary Treatment of Prisoners." The president of the New York Association, who is also a member of our board of directors, Hon. Theo. W. Dwight, in a letter addressed to the secretary of the National Society, only a few days ago, says: "Our Association has sustained a great loss in the death of Judge Edmonds; I hardly know where we shall fill his place."

Thus it is that the soldier lays aside his armour, the mariner sinks beneath the wave, the workman drops the implement of his toil, the racer disappears from the course. There is an admonitory voice in these solemn rehearsals, and its quickening word is: "Work while the day lasts; for the night cometh when no man can work."

This Association has had three years of existence; its secretary having resigned his position in the New York Prison Association, and entered on similar duty in the National Prison Association, on the 1st

day of May, 1871. The first work of this society was the organization of the International Congress for the Prevention and Repression of Crime ; an enterprise of vast proportions, and involving an amount of labor in travel, negotiation, correspondence, speech making, translation, and the preparation of documents, which none will or can ever know, except the person who performed it. More than a year, that is to say, from May, 1871, to July, 1872, was expended on this work. In September following the last named date, the secretary returned to the United States, and immediately entered upon the double labor of preparing his report to the government, and organizing the second National Prison Reform Congress, to be held in Baltimore, in the month of January ensuing. The reports on the two Congresses were submitted together to the President of the United States, and both were printed by the government, the second as an appendix to the first. The two make a congressional document of 500 pages—omniverous pages they might almost be called, being fully equal to two volumes of at least 400 pages each, printed in the open style of the Transactions of the Cincinnati Congress. The work of getting up the Baltimore Congress, preparing the two reports, and superintending their progress through the press, occupied every moment of the secretary's time, till near midsummer of last year. After more than two years of uninterrupted toil, a season of rest became a necessity, and two months were spent in the mountains of northern New York in recruiting nature's exhausted forces. He returned to New York in September, only a short time before the assembling of the great World's Conference of the Evangelical Alliance. Friends from Europe, interested in penal, reformatory, and preventive work, were members of that conference ; and some of them had crossed the ocean mainly with a view to studying certain special points of that work in this country. This was notably the case with the Rev. Pastor Robin, one of the most energetic, devoted, and able workers and writers in this department of social science in France. The public mind of that country is just now earnestly directed to the study of the problem of prevention—how to keep neglected and viciously-inclined children from falling into crime. It is to the solution of this question that M. Robin, so far as his pastoral work permits, bends all the energies of his active and fertile mind. It was this question that brought him to America, through the opportunity offered by the Conference of the Evangelical Alliance. Apart from and over and above the duty of aiding a foreign philanthropist in such a labor, the secretary was under a special obligation to M. Robin, who, when the former was in

France, had spared neither time nor toil in furthering, in all practicable ways, the objects of his mission. It was, therefore, at once a duty and a pleasure to reciprocate these friendly and fruitful attentions, especially when, by so doing, a great cause could be promoted in a noble country, which is seeking reforms in the interest of virtue and humanity. Accordingly, it was with alacrity and joy that he accompanied M. Robin in an extensive visitation of institutions, chiefly, though not wholly, of a preventive and reformatory character, in New York, New Jersey, Philadelphia, Baltimore and Washington. It was, consequently, near the month of November before he could again resume the real work of the Association.

The above history has a bearing on one at least of the objects of this report, not perhaps readily discernible at first blush, but which will be immediately explained. Down to the date just mentioned, there had been, from the very origin of the Association, no time beyond, occasionally, a few hours or a day, snatched from other pressing duties, to give to its finances. The government had defrayed the expenses of the secretary's two missions to Europe, and his salary (in part) and other indispensable needs had been met by the generosity of a few personal friends, and friends of the cause in New York, Boston, Providence, Hartford, etc. There had been no general effort, nor indeed, so far as the secretary himself was concerned, any possibility of such effort, to secure a broad and solid financial basis for the operations of the Association. But a point had now been reached when no special work, as had always previously been the case, pressed for instant and unremitted attention. The time had, therefore, come when the secretary might give a few months to the financial, in connection with other and, in some sense, higher interests of the society. Unfortunately, however, this point was coincident with the terrible crisis in the monetary affairs of the country, that came upon us like thunder in a clear sky, by which manufacturers were prostrated, business of all sorts paralyzed, confidence crushed, and uncertainty, alarm and distress spread through all ranks of society. Despite these unfavorable omens, it was determined to go on and do what was possible, by communicating information, awakening popular interest, educating public opinion, casting seed into the soil for future gatherings, and collecting something at least of what remained, from the general wreck, in the pockets of the warm-hearted and liberal-handed of our countrymen. The States of Connecticut, Pennsylvania, Michigan, Ohio, Kentucky, Indiana, Illinois and Missouri, with the District of

Columbia, were visited ; public meetings, numerously attended, were held in their capitals and at other chief points ; five legislatures were addressed, by special invitation ; two co-operative state associations were formed, and others put in train to be organized, and some money was obtained, but more promised, to be collected through the agency of local committees, created at various points, and notably in this city, either by the public meetings above mentioned, or, as here in St. Louis, by more private assemblages called for that express purpose.

Two or three attempts have been made to collect funds through agents employed for the purpose ; but they were all set on foot under very unfavorable circumstances, and all failed in accomplishing substantial results.

At this point, the Executive Committee desire to state some plain truths, to offer one or two pointed suggestions, to bring into sunlight an imperious necessity, and to set forth an alternative nothing short of inevitable.

In a preliminary way, let us inquire, what is the work of this Association ? In general, it is to study and to solve all the problems—many of them profound, complex, obscure, and difficult to the last degree—connected with the prevention and repression, or, in one word, the minimization of crime ; and then to bring its solutions to the test of experience ; in other words, to reduce them to a practical application. More particularly, it is to secure such reforms in our penal codes as will make the administration of criminal justice more prompt, humane, and efficacious, and such improvements in our police systems as will make the commission of crime more difficult, its detection more certain, and its punishment more speedy ; to give stability and permanence to the administration of our prisons, by eliminating partizan politics, as a controlling force, from their government ; to impress a reformatory character on the prison discipline of the whole country ; to organize, in such manner as to render effective, the work of saving discharged convicts ; to multiply preventive agencies in the form both of industrial and reformatory schools ; to visit, inspect and examine penal, reformatory, and preventive institutions in all parts of the country, and to afford all possible aid in founding and improving such establishments ; to keep up, in this and other ways, a perpetual study of the condition of American prisons, and to spread before the public both their excellences and defects ; to arouse, by public meetings and through the press, a general interest in this question ; to educate and

strengthen public opinion, so that it shall act efficiently in the direction of needed reforms; and to collect, arrange, publish, and circulate the most complete penitentiary and reformatory statistics, and other information relating to the penitentiary question, that can be obtained from all parts of the country and the world.

It will be seen at a glance that this is a vast work, but one absolutely essential to the best progress and highest improvement of all systems and institutions, whose aim is to minimize crime, and thereby promote public virtue and order. From the organization of the Association to the present time, but one salaried agent has been employed, and that is the secretary; whereas, to fully accomplish its appropriate objects, there would be needed a bureau of workers, all busily engaged in their several departments of labor, from the first of January to the end of December. The National Prison Association proposes to do for prison reform the same work that is done for educational reform by the National Bureau of Education, established by the General Government, and maintained by it at an annual cost of \$40,000 to \$50,000. If there were a Government Prison Bureau, our Association might disband. The committee earnestly wish that such a department in the public service might be instituted; but it is not likely to be, at least within any brief period.

It is readily granted that our work, economically pursued, need not cost as much as that which looks to educational reform, since the former is not so ramified, nor does it embrace so many subjects, as the latter. Still, no thoughtful person, surveying carefully our field of labor, and wisely weighing its demands, could deny that \$20,000 would be a moderate sum for its adequate cultivation. One of the very first objects to be accomplished is the organization of an efficient branch association in every state of the Union. A great deal of the appropriate work of the National Association can be done only through agencies of this sort. But such associations cannot be expected to spring up of themselves; they can be secured only by hard work, and a good deal of it. To organize them in all the states of the Union, that is, in all where they can be organized at all, would be a good year's work for one man. The preparation of the annual review of the prison work for the whole country, including state prisons, houses of correction, county jails, reformatories, industrial schools, and other preventive agencies, and of the same work in foreign lands as far as may be, together with the getting up of our annual congresses, and the subsequent editing and printing of the volume of transactions, with the multifarious and multitudinous daily drafts upon his time,

that can neither be postponed nor evaded—all this would go far towards engrossing the whole of the secretary's time.

We have reached a point in this work, where it has become necessary to take our soundings and our bearings ; to look the situation squarely in the face ; and to come to a deliberate determination whether we will fill the sails and move on, or reverse our course and seek the port, or leave the ship to drift feebly about, the mere sport of wind and wave and current. Shall the work live or die ? And if it live, shall its life be fresh, warm and vigorous, or shall it be a sickly, feeble, dying life ? The last is not to be thought of, and may be dismissed as unworthy of consideration. There are three courses between which the choice lies : 1. Disband and perish. 2. Give to the work its due proportions, and the necessary sustenance to maintain those proportions. 3. Restrict it to narrower limits, but within those limits keep it in the healthy performance of its functions. If the first course be preferred, the committee has not a word to say ; but until that proposition be adopted, we assume its rejection. In that case, the choice is narrowed down to a full or a restricted life. By this latter expression we mean simply an annual congress and an annual report. Even so, no doubt, much good might be done, and of course at a comparatively moderate cost. But on the assumption that the work of minimizing crime is to be carried to its utmost limits, and pushed with the necessary vigor, the question arises, how are the means to be provided ? It is plain that your secretary cannot possibly do this, and at the same time perform the other work expected of him ; work, too, which is essential to the efficiency and usefulness of the Association. Nor is there much encouragement from past experience to adopt the plan of employing financial agents, the strong probability being that their salaries and expenses will absorb the greater part, if not the whole, of what they collect. The question recurs, therefore, how are the necessary funds to be raised ? The distinguished gentleman with whom the proposition for a National Prison Association originated, himself at that time governor of one of the largest of our states, expressed the opinion that the legislatures of the several states, seeing that our work was national, and that it was yielding the best results for the whole country, would each readily make a moderate annual appropriation to sustain it. Perhaps this may be done ultimately. We are inclined to think it will be, in a way to be immediately pointed out. But it certainly is not available for the present. It is, therefore, necessary to look about for a different mode, at least for the time being. The committee have some

thoughts of their own upon this subject, but they forbear giving utterance to them for the present, preferring that the whole question be referred either to the Finance Committee, or to a special committee raised by this Congress for the purpose—in either case, perhaps, to act conjointly with the Executive Committee of the Association.

Reference has been made above to the suggestion from a distinguished source about legislative aid in our work; to the improbability of obtaining it in the form of direct grants; and to another plan of reaching the same end, deemed by the committee more feasible, and which we will now proceed to explain. The Association issues an annual report, under the title of "Transactions of the National Prison Congress," replete with information touching the progress of penal, reformatory, and preventive work in all parts of the country and the world, and containing able and exhaustive reports and essays on all the problems, so various and so difficult, connected with this work; together with *viva voce* discussions on the many and important questions treated in these papers by ladies and gentlemen, who rank among the foremost thinkers and workers in this field of social science and reform.

The annual publications of this society ought to be widely circulated in all the states, irrespective of any revenue thence derived to our treasury, and consequent pecuniary help in our work. They ought to be in the hands of all members of each successive legislature in the several states; of all heads of prisons and reformatories (of whatever grade); of all members of managing boards of the same; and on the shelves of all the considerable libraries of the country—school and otherwise. Gov. Bagley, of Michigan, has declared that there are at least three hundred libraries in that state that ought to be supplied with these publications on each successive issue; adding to this declaration the remark that, though the volume would not be sought for like the last sensational novel, yet there are thoughtful persons in every community who would read the book, and that the number of such would increase year by year. All this would require at least an annual average distribution of the Transactions in each state to the number of 500 to 600 copies. Suppose the lower of these numbers, the aggregate needed for the States and Territories would be (say) 20,000. Now the proposition, or at least the suggestion, that we make is, that the State and Territorial Legislatures, together (some more, some less), purchase annually of the Association that number of copies of its reports or transactions.

It is a volume that book-publishers, issuing a moderate edition, would sell at two and a half to three dollars. But, owing to the large number printed, it might be afforded to the states for two dollars, at which price, for the same reason, the sale would net to the society a handsome aggregate profit, which would go a long way towards meeting the necessary expenses of our work; and the deficiency might easily be made up by voluntary gifts. Thus the states would get a *quid pro quo*, and, at the same time, do not simply a benevolent work, but a work of high moral and material benefit to themselves.

Now, in what way could a state expend more fruitfully \$1,000 or \$1,200 a year, even on the low consideration of an ultimate return in dollars and cents, which indeed sinks into absolute insignificance and almost disappears from the field of vision, when compared with the vast moral results that could not fail to flow from such a policy? For how else can those benign reforms, which to-day the whole civilized world is in pursuit of, be so speedily realized for our own country, as by such an education of public opinion as would thus, in comparatively few years, be accomplished throughout the length and breadth of the land? These reforms are: Penal laws and institutions brought into fuller accord with reason and humanity; police systems rendered so efficient that few criminals can escape detection and punishment; crime-capitalists hunted, dispersed, crushed, extinguished; preventive agencies made so comprehensive and perfect as to diminish immensely the number of those who fall into crime; the careers of much the greater part of those who might still fall arrested and brought to an end by reform schools; and the mass of adult criminals—few, however, as compared with the numbers that now crowd our prisons and waste our resources—brought to a better mind and habit, and restored to the walks of useful industry. Does this seem an ideal picture, the dream of a weak or a heated imagination? We are convinced that it may be made a reality by a combined, honest, persistent effort to that end—an effort that will not accept defeat, and that refuses all rest till it has reached the goal and wears the crown.

A memorial was adopted by the meeting in Baltimore, asking Congress for an appropriation of ten thousand dollars (\$10,000), with a special view to the collection of criminal and penitentiary statistics, that we might, as a nation, contribute our part to the volume of international prison statistics, which the permanent commission, created by the Congress of London, was charged with preparing. A committee was appointed to present the memorial and urge the

action prayed for. The only members of the committee, who found time to give attention to the business, were Gov. Seymour and Dr. Wines, president and secretary of the Association. The memorial was presented to both Houses of Congress, and referred by the Representatives to the committee of ways and means, and by the Senate to the committee on appropriations. The house committee reported a bill appropriating the \$10,000 asked; the senate committee waited for the action of the other body. It being near the end of the session, the bill in the house could never be got from the speaker's table; so on the last day but one of the session, the senate committee caused an item to be inserted in one of the appropriation bills, giving the Association what it asked. The friends of the measure in the house looked upon the matter as now settled in our favor; but nothing is certain in Congress till it is done; the item inserted in the senate was thrown out by the conference committee, and we were left out in the cold.

In the report made by the secretary of the Association to the President of the United States, on the London Congress, he strongly urged the creation of one or more penitentiaries by the National Government, for the treatment of United States prisoners. On the second day of March of the current year, he submitted a memorial to Congress, accompanied by the draft of a bill. The bill and memorial were introduced in the House by General Butler, and in the Senate by Senator Conkling, and in each case were referred to the Judiciary Committee.

I. A BILL TO PROVIDE FOR DEDUCTIONS FROM THE TERMS OF SENTENCE OF UNITED STATES PRISONERS, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. That the President is hereby authorized to appoint a commissioner to make inquiry into the condition and treatment of United States prisoners wherever they may be confined, and to report to him the facts so ascertained; and there shall be paid to the said commissioner, out of any money in the treasury not otherwise appropriated, the sum of _____ dollars per month for his services and necessary traveling expenses: *Provided*, That the gross sum so paid shall not exceed six thousand dollars.

II. MEMORIAL IN RELATION TO UNITED STATES PRISONERS.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialist respectfully represents that, in submitting his report to the President, as commissioner of the late International Penitentiary Congress of London, he recommended the establishment by the United States of one or more civil prisons, in which the principles and methods of prison discipline, approved by the said congress, might be applied.

It is beyond question that society has a grave responsibility in respect to the men whom it has convicted and imprisoned ; a responsibility which can be met only by wise and patient efforts to return them to freedom better men than they were when committed. But if such responsibility exists, it must attach itself directly to the power which punishes. Can this power, then, rightfully transfer its responsibility to another, over whose action it has no control ? Your memorialist thinks not.

It is equally past doubt that the measure proposed would be a saving to the Government. The lowest estimate for the annual keep of United States civil prisoners, under the present system, is \$250,000 ; and the actual cost probably exceeds that sum. All this expense might be saved to the government by the establishment of penitentiaries for the treatment of its own prisoners. In government prisons managed with ordinary ability and honesty, the labor of the convicts can be made to pay all expenses, and earn a surplus equal to the expense of transportation.

A national penitentiary, where the reforms recommended by the Congress of London may be put in practice and their value shown, would, no doubt, in time, lead to the introduction of like reforms in the prisons of the several states.

Still, your memorialist does not come before Congress asking for immediate action of the kind indicated above. A preliminary work of inquiry into the condition and treatment of United States prisoners, wherever confined, so that the facts thus ascertained may be spread before Congress, is all that is now asked ; and such an inquiry may be conducted at a very moderate cost, as compared with the value of the information to be gained.

Your memorialist further asks such modification of the existing United States commutation acts, as will extend the benefits of commutation to United States prisoners in the States and Territories which have no commutation laws of their own. In states where such acts exist, their benefits are, by act of Congress, already granted to prisoners sentenced by national courts the same as to those sentenced by state courts.

Subsequently a hearing was accorded to the secretary before the judiciary committee of the House of Representatives, when he submitted the following argument :*

Mr. Chairman and Gentlemen of the Committee : I come to you asking two things—a modification of the commutation laws of the United States, and authority to inquire into the condition and treatment of United States prisoners, wherever they may be confined. It is presumed that there will be no objection to the first of these propositions, and on that point I will, therefore, say nothing.

The inquiry proposed is with reference to the ulterior question of the establishment by the national government of one or more penitentiaries for its own convicts. There is reason to believe that at present such convicts are treated in some prisons with undue lenity, in others with undue severity ; both extremes being equally opposed to the true ends of prison discipline ; while, in all, though their reformation may not be wholly ignored, there is a lack of the best and wisest means to that end.

In my report to the President as Government Commissioner to the International Penitentiary Congress of London, in 1872, I recommended the creation of a United States prison, or prisons, and I have been confirmed in the propriety of such recommendation, by finding that the same policy has been urged upon Congress by Attorney-General Williams, and by his immediate predecessor. The argument for this policy rests, as I conceive, on the double ground of duty and interest. I look upon

* The same was afterwards addressed, as a written communication, to the judiciary committee of the Senate, and read before the committee by Senator Conkling.

it as the *duty* of the government to care for its own convicts, because, having of necessity a responsibility with regard to them, that can be met only by honest efforts to change their character and life, the government can not, as it seems to me, properly transfer that responsibility to another power (the states), over whose action it has no control. I look upon it as the *interest* of the government to have its own penitentiaries, because the large sums now spent upon their keep, amounting at least to a quarter of a million dollars a year, and probably more, might thus all be saved.

In support of this last proposition, I wish to submit to the committee a few well attested facts. Mr. Brockway organized, and, for ten years managed, the Detroit House of Correction. With an average population of about 400 prisoners, and an average imprisonment of something like 100 days, he made the prison labor pay all expenses, and net an aggregate profit of more than \$100,000. Mr. Cordier, superintendent of the Alleghany County Workhouse, Pa., with an average prison population of 350, and an average detention of 68 days, paid last year all expenses from the avails of prison labor, and earned a clear cash profit of \$14,000. Mr. Rice has been for ten years warden of the State Prison of Maine. With a prison population averaging less than 200, the labor of the convicts has met the entire cost, and produced a clear annual cash surplus of \$2,000 to \$6,000. These three gentlemen have managed the industries as well as the discipline of their respective prisons. The late General Pilsbury's prison management has become famous the world over for its financial success. During his forty odd years of service as head, successively, of the Connecticut State Prison and the Albany Penitentiary, the net earnings of his prisoners, over and above all current cost, exceeded \$300,000. Even under the contract system of prison labor, the number of self-supporting state prisons is increasing year by year. In this number are now to be counted the state prisons of New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New Jersey, Maryland, Michigan, Illinois, Indiana (South), Indiana (North), Ohio, and perhaps some others. All these prisons now pay their way, including salaries, and earn an annual cash surplus, varying from two or three thousand to forty thousand dollars each.

But, gentlemen, do not understand me as proposing or favoring any sacrifice of moral to pecuniary results in prison management. Reformation is cheapest at any cost. Hence the maxim of the late illustrious Demetz: "Reform as cheaply as you can, but—REFORM." But, I maintain, without fear of successful contradiction, that, other things being equal, those prisons are most reformatory, where the labor is most productive.

Still, I do not ask the immediate erection of a single United States penitentiary. What is sought, and all that is sought, is authority to ascertain, by actual personal examination, the prevailing influences, for good or for evil, by which United States convicts are surrounded, in all the places where they are actually imprisoned.

Two or three incidental benefits, of considerable importance, will, it is believed, come from the proposed inquiry.

Two years hence, we shall have completed the first hundred years of our existence as a nation. Our national birthday is to be commemorated, among other ways, I believe, by a comprehensive review of our national civilization, showing the progress we have made in law, science, art, philosophy, religion, education, agriculture, manufactures, navigation, commerce, mining, invention, etc., etc. Such a review would be incomplete without a survey of our advance in prison discipline and reform. Materials for such a history exists, no doubt, in abundance; but they are widely scattered, and wholly inaccessible to the ordinary inquirer. The commissioner, whose appointment is asked, might readily, while pursuing the special inquiry with which he will be charged, gather up these scattered data, and weave them into an instructive chapter for the great volume of 1876, which shall record the nation's progress during the preceding century.

Another incidental advantage: The Attorney-General of the United States is charged by law with the duty of collecting and embodying in his annual report the criminal statistics of the several states. This duty he has sought to discharge, but has found insuperable difficulties in his way. The commissioner, called for by this bill, might, under instructions from the department of justice, do something toward removing these difficulties, securing the coöperation of the states, and organizing the necessary machinery for a work, evidently held to be important, as well by Congress as by the Attorney-General, but found impossible of execution through any existing agencies.

Once more: The Congress of London, composed in part of official delegates from nearly all the governments of the civilized world, determined, through a permanent international commission, created for this among other purposes, to collect and publish annually a body of international penitentiary statistics (as distinguished from criminal statistics), upon a uniform scheme, for purposes of broad and intelligent comparison, and as a useful guide to legislation in penitentiary matters. Most of the European governments acceded to this proposition, and have forwarded their statistical contributions to M. Beltrani-Scalia, of Italy, secretary of the commission. The member of the commission from the United States, though holding the position of its president, has been unable to offer any contribution to the first statistical volume to be issued, because he had no means of gathering prison statistics on the basis of the formulas agreed upon. If the present application is granted, arrangements for obtaining penitentiary statistics, conformably to the scheme adopted, might be made with the authorities of the various prisons throughout the country, by the person who shall be designated to make the investigation proposed by the bill upon your table. Thus the United States may be enabled to wheel into line with the other governments, in the effort to gather information, world-wide in extent, and of a value not easily exaggerated, in this important department of social science and legislation.

There is reason to believe that the proposed measure will find favor with Congress. If it fails, it will be for the want of somebody on the ground to push it.

The formation of co-operative branch associations in the different states has already been more than once alluded to in this report. The committee deem this a matter of so much importance that they will insert in a note, at the end of their paper, drafts of a constitution and by-laws, such as they deem in the main suitable for such organizations. As a matter of course, it will be in the discretion of any body of citizens forming themselves into such a society to make such use as they please of these formulas, adopting them, in whole or in part, or rejecting them altogether, and framing better for themselves.*

The report of the standing committee on prison discipline will no doubt take up all material points embraced within the important department, which has been committed to its vigilant and studious care. Still, the executive committee desire to offer a very few

*It has been judged best, on farther consideration, to insert these formulas under another heading towards the end of the volume.

remarks on two or three points belonging to this branch of our work.

There is nothing that so amazes observant and thoughtful foreigners, who interest themselves in the study and improvement of prison discipline, as the endless fluctuations in the administration and incessant changes in the staffs of American prisons, arising from the undue—we believe we do not go too far in saying the dominant—influence of partizan politics in their management. Again and again have members of this committee heard these men declare that they did not see how it was possible, amid the embarrassments and obstacles necessarily resulting from such a state of things, to accomplish anything in the way of solid progress and reform. And, indeed, it *would* be impossible, but for the elasticity, energy, strong mother-wit, and wonderful pliability and power of ready adaptation in the American character. There can be no doubt that the radical, the supreme defect in the prison systems of America, lies in the practice of political appointments and the consequent brevity of official tenure and instability of administration. Now we are far from making war on party politics. Within its appropriate sphere, this agent in our civil life has an important and generous function. Without its restraining force, the ruling power, drunk with prerogative, unawed by the vigilance of opponents, and released from all feeling of responsibility, would degenerate into despotism, and tyranny would hold a perpetual carnival. But there are some things which it touches only to mar or to ruin. There are precious interests, in reference to which the warning must be sounded, "touch not, handle not." Religion is one of these; education is another; and, surely, the penal, reformatory and preventive institutions of a state constitute a third, since they combine, in a high degree, the characteristics of both, being, if they are what they ought to be, at once religious and educational. We cannot stay to enter into an argument on this point, for which there is no time; but we must and do emphatically avow the conviction, that the system of political appointments, which necessarily involves a low grade of official qualification and constant changes in the prison staff, renders nugatory, to a great extent, the whole theory of our penitentiary system. Inspection may correct isolated abuses, philanthropy may relieve isolated cases of distress, and religion may effect isolated moral cures; but genuine, comprehensive, systematic, and, above all, permanent improvement is impossible.

Closely connected with the question thus briefly touched, is another of gravest importance to penitentiary reform. That relates to the

permanence of prison officials; this, to their qualifications. The point is, ought they to receive a special education and training for their work? This question was considered in the London Congress, and the main current of opinion there was in favor of the proposition. Dr. Guillaume, of Switzerland, who is scarcely second in ability and wisdom to any other prison governor in the world, laid down two propositions: first, that it is for the interest of society that criminals be reformed; and, secondly, that they can be reformed only when unceasingly surrounded by good influences. From these premises he argued that all prison officers, the inferior as well as the superior, should be made acquainted with both the moral and pedagogic means of penitentiary treatment, and that such an acquaintance involved the recognition of the principle that a special education of prison officers is indispensable to their highest efficiency. When the late illustrious Demetz was about to found what has since become the far-famed agricultural penitentiary colony of Mettray, he spent an entire year, before opening the establishment, in instructing and training his future helpers, or agents, as they are there called, on the ground that the task of changing bad boys into good ones was not one to be confided to the first comers, being a serious charge, that demanded minds thoroughly prepared, entire self-devotion, and morality above suspicion. That normal or training school has been kept up ever since, a period of thirty-six years, and M. Demetz has been often heard to say that if it should be closed, Mettray itself must cease.

This committee regards it as idle to imagine that a just, wise and humane prison code can be carried out successfully where a fit administration cannot be had. To deal with delinquents, not by short and sharp methods, but through the slow, cautious, pains-taking processes which abstract justice and enlightened humanity alike point out, and which the attainment of genuine reformatory results imperatively demands—all this requires a class of agents which is yet, as a body, to be created. Nor, in our judgment, can such creation ever be effected, except by special effort, special education, special training to that end. The reformation of fallen humanity is a work as complex, as delicate, as difficult, and demanding qualities of head and heart as high and broad as any ever committed to human agency, and as worthy of being raised to the dignity of a special calling, or profession, as any within the wide range of human employment. If law, medicine, and divinity; if engineering, military command, and school-keeping; if sculpture, music and painting; if even the very handicrafts that call for mere

manual dexterity, demand a special, technical education in those who devote themselves to these callings, why not equally the work of the prison keeper, whose proper business—the regeneration and redemption of fallen immortals, the cure of souls, all sick and leprous with sin—is the peer of any of them in the dignity, grandeur, and beneficence of its aims? But this most necessary reform—a reform absolutely essential to the highest ends of prison discipline—must wait upon the elimination of partisan politics from our prison administration. It would be madness to propose it so long as things remain among us in *statu quo*.

There is another measure of reform, which probably will not, as an actual policy, carry all votes, though few will deny the abstract justice of it. It is the substitution of indefinite or reformatory sentences, in place of sentences measured by the mere lapse of time. The principle, in this precise form, was first announced by Mr. Frederic Hill, of England, the eminent author of "Crime: its Causes and Cure," and for many years inspector of county and borough prisons, first in Scotland, and afterwards in England. This principle has been accepted and ably advocated by many distinguished penologists on both sides of the Atlantic, notably by Despine, of France; Guillaume, of Switzerland; Matthew Davenport Hill, of England, and Brockway, of America. Who of us that attended the Cincinnati Congress can forget the very able argument in support of this principle, as given by the last named of these gentlemen in his paper, entitled "The Ideal of a true Prison System?" The principle follows, as a necessary logical result from that theory of public punishment, which teaches that the end of such punishment is the protection of society, and that society is best protected by the reformation of the transgressor. By this theory the criminal is restrained of his liberty because he is a dangerous man; his unrestricted freedom would be a constant menace and peril to society. It is, therefore, equally imperative, on the double ground of right and security, that society let him go as soon as it is rationally convinced that it will be safe to do so, and that it hold him in durance so long as, on the other hand, it is rationally convinced that he would, immediately on his liberation, return to a career of spoliation and crime. For, what reason is there to further restrain him *after* the object of his imprisonment has been gained, or to set him free *before* that point has been reached? On the former supposition his continued restraint would be unjust, both to the criminal and to society; to the criminal, because the necessity for such

restraint would have ceased ; to society, because it would thereby impose a needless burden upon itself. And the latter procedure would be worse than absurd, because there would be the same reason for continuing the detention that originally existed for imposing it ; in other words, for keeping as for putting him in prison. Still, however consonant this principle may be to reason and natural justice, it must be owned that there is a formidable difficulty in the way of its practical application. If, therefore, it is ever to be so applied, it is likely that it must be under certain limitations. The courts must assign a maximum duration to the punishment, leaving a discretion, greater or less in extent, to the authorities which are charged with carrying out the sentence ; precisely as is done every day, with such excellent effect, in sentencing juvenile criminals to our reform schools. But it is hardly worth while to go further into the argument at present, as this also is a reform which, like so many others, must wait for the banishment of politics as the controlling force in the government of our prisons ; for, what could be more insane than to commit to men, who are never permitted to get beyond the *a b c* of prison management, the decision of a question which could be safely answered only by the highest intelligence united to the widest experience ?

But there is another reform of more immediate and pressing necessity, involving warfare upon an evil deeply seated, widely spread, and of the most formidable proportions ; an evil entrenched in interest, custom, prejudice, and, above all, a popular indifference as inexplicable as it is unpardonable. We refer to our county jails, two thousand or more in number, as they exist to-day, and have existed ever, from the northern lakes to the southern gulf, and from eastern coast to western. When de Beaumont and de Tocqueville reported, nearly half a century ago, to the French government, upon our penitentiary system, they spoke of our county jails as among " the worst prisons they had ever anywhere seen." And to-day another intelligent foreigner, Mr. Wm. Tallack, secretary of the Howard Association, England, who knows whereof he affirms, from observation as well as books, in a paper sent to this Congress, says : " It is a strange anomaly that the vast energy of the American people, who originated the Congress of London, does not appear to have been able to effect any decided improvement, as yet, in the very numerous county jails, which form the largest class of American prisons ; institutions in which the worst evils of congregate idleness, imperfect separation even of the sexes, corrupt officials, and every kind of bad

construction, are so general as to retain the United States, in respect to the great majority of their jails, on the low level of Spain, Turkey, Egypt, and other mere semi-barbarous nations." Though from a foreigner, "this witness is true," as true as that by a poet of Crete concerning his own countrymen, when he declared: "The Cretians are always liars, evil beasts, slow bellies." It is so true, that if, by some supernatural process, our 2,000 jails could be unroofed, and the scenes they conceal be thus instantly exposed to our view, a shriek would go up from this Congress and this country, that would not only reach every nook and corner of the land, but be heard, in scripture phrase, to the very "ends of the earth." There might and would be a few cheering spots, little oases scattered here and there in the wide desert of obscenity, profanity, wretchedness, filth, enforced idleness, seething corruption, and dreary moral desolation, that would at all points meet the gaze, and make every nerve quiver with horror. Truly there is needed a new Howard to go from jail to jail throughout the length and breadth of the land. A new "State of Prisons" is wanted, in which the manifold wrongs and abuses practised in our common jails shall be brought to the light of day, after the manner in which the great prison reformer of the last century, in his "State of Prisons," dealt with the jails and bridewells of that day.

Our whole system of common jails needs, not simply improvement, but revolution. It is a herculean labor that we propose, but it can be done. Truth, patience, zeal, faith, work, are essential elements in the problem; but these elements given, the solution is certain. The system as now existing must be approached—prudently, no doubt, and in meekness of wisdom; but, nevertheless, it must be approached, assailed and battered with the weapons of reason, of argument, and of godlike charity, till it is swept away by the force of the assault, and a new and better system is adopted in its place.

There is but a single other point to which the committee would refer; it is to a class of men who have been rightly named crime-capitalists. This question is one which, although of the greatest importance, is little familiar to the popular thought, and still less to that legislative action, which alone can give practical efficiency to the proposition about to be set forth. The originator, and so far, principal champion of the proposition, is Mr. Edwin Hill, of London. The committee claim to do little more than reproduce, in a condensed form, what he has so well and forcibly written upon the subject.

The contest between those who work and those who plunder is

nearly as old as the world itself. Nor is there, we fear, much ground to hope for its speedy termination. It is worth while to inquire whether society has not made a mistake in its mode of carrying on this contest. Has it not failed to recognize the fact that habitual criminality is a craft, carried on, not solely by isolated individuals, but by a virtual organization, comprehending various grades and divisions of work, and requiring the combined action of capital and labor just as other crafts do, and, being like them, too, dependent for its continued existence on this union? There are two well-defined classes enlisted in criminal operations, the capitalists and the operatives, those who furnish the means and those who work the machinery; and the former are absolutely essential to the latter. The crime-capitalists include at least four classes: 1. The owners of houses and dens, affording to criminals domicils and also places to which they may resort for carousal and low enjoyments. 2. The receivers or purchasers of stolen goods. 3. The pawnbrokers, who lend money on such goods. 4. The makers of burglarious and other instruments used in criminal operations. It is, to a great extent, the practical impunity of these capitalists, which supports the breed of thieves, burglars, and counterfeiters, that is, the entire class of criminals who meditate and plan their crimes in advance. As the law now stands, a man possessed of some capital may, with absolute impunity, use it in providing homes for criminals, arranged, if he so please, for concealing the thieves and their plunder, and for baffling the pursuit of the police; or he may, with equal impunity, engage in the manufacture of burglars', thieves' and counterfeiters' instruments, some of which are required to be of elaborate construction and workmanship. It is true that, as regards those who cash the stolen property, either by purchase or by loan—receivers and pawnbrokers—the law does provide for their punishment; but the requirements as to evidence are such as to make detection and conviction, in ordinary cases, all but impossible. No doubt the criminal capitalists, compared to the swarms of operative plunderers, constitute but a small class. But being more sensitive to the terrors of the law, and more confined to given localities, they offer by far the fairest mark for criminal legislation. The mere operative of the criminal class has neither reputation to hazard, nor property to lose; he can hide himself or run away. Not so, however, the man who has invested his capital in aid of the predatory class. He cannot conceal himself; and if he abscond, he must leave his house, his shop, or

his stock behind him. These crime-capitalists present a vital and exceedingly vulnerable part of the organization. If it were made absolutely unsafe for owners of property to afford shelter to habitual criminals—the stern rule, “no house-room to the dishonest,” being rigidly enforced—and if it were also made equally unsafe either to purchase stolen property or to advance money upon it, the class that now live by plunder would be driven to honesty or starvation. Some years ago, in the town of Kidderminster, England, it was noticed that while more bulky articles were perfectly secure from depredation, the silk and thread used in bombazine and carpet weaving were constantly stolen. Now, what was the cause of this strange anomaly? Not, surely, that the people were honest for one thing and dishonest for another. But this was the reason: Kidderminster was not large enough to harbor a trader in stolen goods of the ordinary kind; but it contained many small weavers, some of whom had both means and inclination to buy the stolen silk and thread. Circumstances enabled capital and labor—the capital of the small weaver and the labor of the thief—to act jointly against the silk and thread, while they did not admit of such joint action against other kinds of property. There is a world of instruction in this. It says to society: Strike at the *crime-capitalist* in your warfare against crime; make the *cities* too hot to hold him; destroy opportunity in the large towns as well as the small; and then evil inclination will remain dormant and undeveloped in the former no less than in the latter. But so long as you fail to adopt this method of attack, you will be obliged to maintain an army of policemen to check evil inclination as it ripens into crime; your property will be exposed to plunder and your persons to injury; and thousands upon thousands of children, who might have been saved, will be doomed to grow up under influences which will compel them, by a law as inexorable as that which makes the magnetic needle obey the lodestone, to become the criminal army of the future.

Now, of what has been said, this is the sum: To the spoliation of property, the united action of capital and labor is essential. Habitual criminality is sustained by an alliance between these two elements, each being alike indispensable to the prosecution of the business. The crime-capitalists are few; the operative plunderers many. The law strikes at the many operatives, one by one; it should strike at the few capitalists as a class. Let it direct its blows against the connection between capital and labor, ordinarily a beneficent one, but in this case evil, and only evil; nor forbear

its assaults till it has wholly broken and dissolved the connection. When this baleful union shall be pierced in a vital part, it will perish. When the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.*

Objection was made, in the Congress of London, to Mr. Hill's proposal to forbid the giving of house-room to criminals as an "impracticable" scheme. To meet this objection, he subsequently procured from each of the societies in London—seven in number—that are engaged in providing improved dwellings for the working classes, a certificate that no persons of bad character are ever admitted to tenancy in their buildings. These certificates show that the united populations of the aforesaid tenements amount to 22,477 souls. These tenements are rapidly extending, and their populations will, as a consequence, be soon largely increased. Now, if the joint-stock societies can keep thieves and other bad characters out of their dwellings, it is certain that other owners of such property can, if they choose, do the same thing; and if they do not of themselves elect to shut out habitual criminals from their houses, the law should step in with its coercive force, and compel them to do it.

In a letter addressed to the secretary of the National Prison Association, under date of August 18, 1873, Mr. Hill observes that this objection is especially futile in England, since it is not to be doubted that, if the laws against ordinary crimes were made as searching and stringent as those made to protect the revenue against smuggling, illicit distillation, etc., a stop would be put to habitual crime in a very short time. Mr. Hill's whole letter is so instructive and valuable, that the committee append its chief portions, as well as the certificates above mentioned, as a part of their report.

For the Committee :

E. C. WINES.

MR. HILL'S LETTER.

I am greatly struck with Mr. Seymour's opening address at the Baltimore Congress. His view that ordinary crime, so far from being exceptional in its nature, is the sure outcrop of the feelings and sentiments prevalent in the country, is to me striking, both from its novelty and its truth. I could have wished that he had said something about the means of preventing much crime simply by the removal of those conditions, without which it could not be developed. "Place an impassable barrier between the capitalist and the would-be thief, and you would render subsist-

* The foregoing is taken, with few alterations, from the Secretary's report of last year to the President on the London Congress. Wishing to bring this question before the present Congress, the committee have not thought it necessary to construct a new argument for the purpose.

ence by depredation impossible." Mr. Seymour mentions moral and religious teaching as one of the matters we have mainly to look to. But let us not forget that there is much *immoral* and *irreligious* teaching going on; some of it unquestionably direct and of purpose, but vastly more of it indirect and dependent upon bad influences that the state might remove, and, no doubt, will remove, whenever it shall be roused out of the dull apathy, which is the despair of earnest reformers.

I venture to ask you (if you think well) to submit the inclosed paper, about the non-criminality of the population of the improved dwellings in London, to Mr. Seymour, together with your own epitome of the propositions concerning "crime-capitalists," as the matter seems to me of urgent importance; and Mr. Seymour's position would, I presume, enable him to move with effect for the necessary additions to the criminal law.

I think you are acquainted with the difficulty, under our law, of detecting a receiver of stolen property, although he may be well known as carrying on that business. We cannot adopt any scheme analogous to the "test letter" plan in use at the post-office for detecting letter thieves; nor to that of the marked money, by which dishonest potmen at the taverns and thievish shopmen are detected, because, even should you catch a thief in the very act of robbing you, and,—anxious to bring a known receiver in your neighborhood to justice,—you should offer inducements to the thief to take the booty straightway to the receiver,—you having refrained from even touching it,—our very absurd law would hold that, since you had stopped the thief, and virtually recovered the control of the property, *it would have lost its character of stolen property!*

Advertisements are frequent in some papers, offering to receive property of almost any kind and from any place, and promising that the value shall be at once remitted to the sender, obviously direct incitements to pilfering, if not worse. Five test parcels were made up—looking as suspicious as they could be made to look—and dispatched from a remote country place, and the money was sent immediately in every instance. Surely the law should allow (in these cases) "the engineer to be hoist with his own petard." But no; our wise legislators and judges have disallowed it. Trapping is not pleasant to contemplate; but as yet no other plan has been suggested, whereby to break up the monstrous evil of the booty market, though the facilities it affords are the ruin of hundreds, and even of thousands, who otherwise might be found in the paths of honest industry.

Were it made the law that an accused person, if it were proved that he fully purposed the commission of a crime, and made unreserved attempts to carry out such purpose, should be punishable, although his purpose might be frustrated by some means, accidental or otherwise, or although, by some hair-splitting of terms, he might be held not to have committed the precise offence as defined by the law, the receivers might, one and all, be put down in a very little time; and many other wrongful acts that now escape by one quibble or another would no longer set the law at nought. It might be necessary to limit the use of such testing proceedings—*alias* traps—to duly authorized persons, in order to prevent attempts to inveigle innocent persons into crime. But where there is a well-known receiving business going on, it is idle to abstain from trap-setting, unless other means, effectual for the purpose, shall be discovered. You will smile at my quoting from the "Lady of the Lake" the words of Roderick Dhu, addressed to the knight, whom he half suspects of being a spy:

"To the stag though space and law we lend,
Ere hound we slip, or bow we bend,
Whoever reck'd where, how, or when,
The prowling fox was trapped and slain?"

I look across the Atlantic more hopefully, for the promotion of the means of prevention, than I can look at home. Men's minds here are so much occupied with

police, prisons, flogging, etc., on the one hand, and schooling for the young (a most important matter), on the other, that they cannot find room for what I may call the more mechanical means of prevention, *i. e.*, that of depriving the predatory classes of the aid of that capital which is as necessary to their operations as the supply of blood is to the animal economy. Again, our legislature is oppressed by its excessive numbers, upwards of 600 men attempting to do that which a well selected body of a twentieth part of the number would do infinitely better; the huge, unweildy body, too, insisting upon doing numerous things that might be better left to the lesser authorities.

COPY OF THE CERTIFICATES FURNISHED TO MR. HILL.

We whose names are hereunto subscribed, being respectively connected, officially, with the buildings of the societies below named, certify that the tenants of the said buildings are without exception persons believed to be in the receipt of incomes obtained by honest means; and further, that tenancy would be absolutely denied in all cases wherein reasonable suspicion should exist as to the honesty of the means by which the income was obtained:

Metropolitan Association Population, Charles Gatliff, Secretary	8,934
London Laborers' Dwellings Society Limited, W. A. Greenhill, Secretary...	2,298
The Improved Industrial Dwellings Company, J. Moore, Secretary	8,320
The Peabody Donation Fund, J. Crouch, Secretary	8,472
Society for Improving the condition of the Laboring Classes, Charles Payne, Secretary	1,533
Octavia Hill, about	1,570
Marylebone Association for Improving the Dwellings of the Industrial Classes, C. R. Stokes, Secretary	1,350
Total population	22,477

2. REPORT OF THE STANDING COMMITTEE ON PRISON DISCIPLINE.

It becomes the duty of the Standing Committee on Prison Discipline to present their annual report to this National Penitentiary and Reformatory Congress, which they beg leave to do, as follows:

It has seemed, upon this occasion, in the light of the researches and discussions of the last few years, and particularly those of the famous prison congresses of Cincinnati, of London and of Baltimore, organized and conducted to a successful result mainly by the unwearied activity and the enlightened zeal of our secretary (Dr. Wines), to recapitulate and summarize the main principles of prison discipline, as it is now understood, with illustrations from the systems in actual operation by which those principles are, in part, at least, realized and enforced. The necessities of time and space will compel brevity, but the intelligence of the audience to whom this report is addressed, and their familiarity with the subject considered, will permit the needful condensation of statement, without risk of being misunderstood.

The topics of this report then will be: (1) The various systems of prison discipline, with particular reference to the Irish, or Crofton system, as the best to replace our American want of system. (2) The applicability of the best system to all grades of prisons, from the guard-house, or lock-up, to the prison of convicts sentenced for life, including county jails and houses of correction, or work-houses. (3) The details of discipline in prison, including the selection of officers, religious and secular instruction, diet, hospital treatment, the mark system, ticket-of-leave, etc. (4) The actual and the possible results of prison discipline.

1. *Past and Present Systems.* It is not yet two centuries since the first rude semblance of a system of prison discipline, as we now understand the phrase, was put forth in theory (hardly in practice) in the city of Rome, and by the wisdom of its pontiff, then Clement XI. This townsman of Raphael, when new to the papal office, caused to be inscribed over the portal of his new prison, in 1703, the sententious maxim which Howard afterward adopted as his own: *Parum est improbos coerece pœna, nisi probos efficias disciplina*—" 'Tis idle to coerce the bad by punishment, without making them better

by instruction." This is the key-note of all the subsequent discussions of prison reform, from Beccaria and Howard, Bentham and Livingston, to Crofton and Brockway, the best living demonstrators of a science somewhat older and far simpler, but much less understood, than the science of chemistry. John Howard and Sir William Blackstone echoed it in 1779, when they wrote, in the preamble of an act of Parliament, their hope of "not only deterring others from the commission of crimes, but also of reforming the individual;" and in the hundred years that have since passed, this sentiment has found utterance in the penal codes of every civilized nation. To put it in practice has been found more difficult than to utter it; but various systems have been ingeniously framed and earnestly administered for the purpose of combining reformation with punishment. Of these systems the late Senator Sumner (who in his early career was an enlightened and earnest prison-reformer), writing many years ago, mentioned three as having been in force during his life-time: The *Solitary*, the *Separate* (or Pennsylvanian), and the *Congregate* (or Auburn), systems. But he added, with that rare foresight which made so many of his utterances prophetic, "Perhaps the separate system might be modified, so as to admit instruction and labor together, in a small class, *selected after a probationary period of separation*, as specially worthy of indulgence and confidence." Such a modification, he adds, was recommended by Edward Livingston in 1827,—and such the Irish intermediate prison at Lusk has for nearly twenty years has exemplified in practice. And the Irish or Crofton system of prison management, which has grown up since Sumner wrote, is now superseding both the separate and the congregate systems, out of which it grew, and of which it is a combination in their better elements. The separate system still succeeds in several of the best European prisons, and it nominally prevails in many of the Pennsylvania prisons; but in the greater part of Europe and America, the congregate system, either that of Auburn, or one more lax, is in common use. It is the latter which the Crofton system ought immediately to replace in America.

Perhaps it is strictly just to give this system (commonly known as the Irish Convict System) the name of Sir Walter Crofton, since it was first reduced to a permanent and feasible form by him. But the man of genius by whom it was invented was Captain Maconochie, who preceded Crofton by more than a dozen years. He lived to see his method adopted by Crofton in Ireland, and to witness the first results of the extraordinary undertaking in that country, by

which the whole tendency of prison discipline has been changed, and, as it now seems, changed much for the better. For until Captain (now Sir Walter) Crofton, in 1853, began to investigate officially the Irish prisons, which he afterwards regulated and controlled, with such remarkable results, the tendency in Europe unquestionably was toward the separate or Pennsylvania system, which is still commonly and favorably known in most of the European countries. Thus in Austria there are cellular prisons, though chiefly used as a preparation for associated labor; in Belgium, out of 26 prisons, 18 are cellular (that is, on the separate or Pennsylvania plan), and four more are now changing to that plan from the congregate method. In Denmark there is one cellular prison; in France there are a few; in Baden and Bavaria the cellular system exists in part; in Prussia it prevails in the largest prison; in the rest of Germany it is not unknown. In Holland the strong tendency is to cellular separation, yet the Crofton system has many advocates. In Switzerland, Norway and Sweden it retains some share in the favor of the government and people, though the Irish system is supplanting it; in Russia it seems to have no foothold. In England it is less esteemed than formerly, and the same is true in our own country, where, from a variety of circumstances, it has not of late years received its fair share of the public attention and respect. The congregate system, and nominally the Auburn plan, has displaced the cellular or Pennsylvania system almost everywhere in America, except at the two great prisons of Philadelphia. There it is still in favor, and in the Eastern penitentiary it is now administered with zeal and intelligence by excellent officers. Though occupying so small a field, proportionately, the separate system in America serves a useful purpose in keeping up the tone of the congregate prisons in some small degree. Its great rival for nearly half a century has been the modified Auburn system practised at the Charlestown State Prison in Massachusetts, which of late years has a new warden, who seems to be well satisfied with his own method of discipline, and scoffs at the Crofton system without understanding it.

2. *The best System applicable to all Prisons.* In spite of many doubts raised against it, and some inherent or avoidable defects, we believe the so-called Irish, or Crofton, system to be the best for our American prisons,—and this not only for the state prisons and penitentiaries, but for those of all grades. Of course the whole machinery of the mark system, intermediate prison, preliminary

separation and ultimate ticket-of-leave, cannot be worked in guard-houses and station-houses, where the prisoners spend but a few hours of the night or the day. But the spirit of the Crofton system will apply to long-sentenced or short-sentenced persons, to jails, "lock-ups," work-houses, and all other prisons where men and women are shut up, and we shall be much mistaken if we do not, within a few years, see it so applied in some of the states of our Union.

What is now needed more than any one thing in American prison discipline, is the centralization of all the prisons of one jurisdiction, by placing them all under one control and inspection. The prison system, like the school system of a state, should be a consistent adaptation of one grade of prisons to every other throughout the whole jurisdiction where the same authority prevails. Not that prisoners, like pupils, should graduate upward from one school of crime to another, until they finish their criminal education on the scaffold,—though this is not seldom the result under present circumstances. One of the most atrocious murders in New England, a few years ago, was committed by a criminal who began to be arrested and lodged in the station-house before he was twelve years old ; who proceeded from the station-house to the reformatory prison ; from the reformatory to the house of correction ; from the house of correction to the state prison ; from the state prison to the army in time of civil war ; from the army to the house of correction again ; thence to the scene of his crime, which, when detected, led to his return to the state prison, whence in due course of time he was led out for execution within the prison yard. Here the steps in crime and in punishment were so exactly timed to each other, that this murderer's career seems almost like the gradual education which leads the youth from the primary to the grammar school, thence to the high school, the college, the professional school, in due succession, until at last he takes his degree, an accomplished lawyer, physician, or other professional man. But it is no such grim satire on the term "prison discipline" of which we are now speaking ; but rather of such a gradation of prisons as shall exclude from each higher stage those who have passed through and been benefited by the lower prisons. That would be the ideal system which would dismiss forever from the minor prisons those who had been instructed in a reformatory, and would exclude from the state prison those who had undergone the milder penalties. And the nearer we can bring these different classes of prisons under one general management, the more effective shall we find their deterrent and preventive power, now confessedly so small.

Naturally enough, we see the best examples of this centralization of prisons in the smaller states, and, perhaps, Rhode Island comes nearest to what is here spoken of. In the year 1873, however, the state of Maine passed a law which has greatly simplified the management of its local prisons, and is worthy of imitation elsewhere. The power to employ convicts in the county prisons of Maine, and to transfer them from one of these sixteen prisons to another, is now vested in the three inspectors of the state prison at Thomaston ; so that, practically, all the Maine convicts, except the boys in the state reformatory, are under one board of control. The results, pecuniary and moral, are declared to be good, and after a longer trial of the new system they will doubtless be still better.

The primary prisons, properly speaking, should not be reckoned the houses of arrest and detention, but rather the reformatories to which young offenders are sent for months or years. Guard-houses and jails are the way-stations and waiting-rooms, in which crime is temporarily checked, but not systematically dealt with as crime ; they are the mere vestibules of the prison-house of a community. In the truant-school and the reformatory we enter upon the prison-house itself,—the lower stories, above which are the houses of correction (or as these are sometimes called work-houses) and penitentiaries or state prisons—"convict prisons" as they are termed in England and Ireland. And it is interesting to observe—especially when the observer favors the application of the Irish or Crofton system of prison discipline—that in the lower and the upper stories of our three-story prison-system, the method of Maconochie and Sir Walter Crofton has already made an entrance and established itself quietly and gradually. In the state prisons the "commutation laws," by which sentences are shortened for good behavior, are the entering wedge of the new system ; followed rather feebly, as we see, by the efforts, public and private, to provide for discharged prisoners, not yet, as in Ireland, under strict police supervision. In the reformatories the whole discipline aims, and has long aimed, at what the Crofton method seeks, and in some degree accomplishes. Hope rather than fear, and the constant pressure of good motives rather than bad ones, are relied upon in these prisons for boys and girls ; and it is in the same line that Maconochie and Sir Walter worked among their mature and gray-headed culprits. Scarcely a lad in any of our reform schools serves out his whole sentence if, as it ought, it runs during his minority. He is instructed, disciplined in labor and in self-control, and then sent out

into the world on ticket-of-leave. The same should be done in all our prisons ; and when this principle is once admitted and acted upon methodically, we have all that is intrinsically valuable in the Crofton system. This is applicable, we doubt not, to all grades of prisons ; to some with more difficulty than to others, and to none with entire ease. But we look to its introduction, and to a better appreciation and utilization of what is best in the separate system of Pennsylvania, for whatever improvement the coming generation shall witness in our prisons.

3. *The Details of Discipline.* Edward Livingston, our greatest and wisest American writer upon penal legislation, says in the introduction to his Louisiana Code, and says very truly : " The details of imprisonment, especially if coupled with labor, *must be strictly defined by the law.* Any discretion left to the jailor as to the mode of inflicting it, makes him, and not the judge, the arbiter of the culprit's fate. He may, without proper limits to his authority, change the sentence of a few years' confinement into the same period of exquisite misery, followed by loss of health or of life ; and he may do this without incurring any penalty. If he may, at his discretion, inflict stripes for disobedience or want of respect ; if it is his duty ' by all means in his power to make the convicts feel the awful degradation and misery to which their vicious courses had reduced them,' then imprisonment is the worst of all punishments, because the most unequal. The law, then, must, in every particular that can be foreseen, regulate the conduct of those to whose keeping the prisoner is to be committed."

These remarks are eminently true, and the experience of all our large prisons is daily proving their truth and wisdom. Equally pertinent to our time and country, especially since the close of the civil war (which gave a great, and by no means wholly, beneficial prominence to the military spirit and type of character) are these observations of Captain Maconochie, who had himself been a soldier : " The military type now universally followed in our prisons should be abolished, and a clerical or missionary one substituted. The objects of military and prison discipline are directly opposed, and they cannot, therefore, be advantageously pursued by the same means. The one is meant to train men to act together ; the other should be to prepare them safely and advantageously to separate. The one is, further, the type of force, which never created virtue yet, and against which a brave spirit, even instinctively, rebels ; the other should image persuasion and exhortation, the approved method in every case of obtaining an end sought. A necessary object in the one is to subdue indi-

vidual character, and reduce all to parts of a compact machine ! while that of the other should be specially to strengthen individual character, and, instilling right principles into it, encourage and enable it to act on those independently. Of minor incidents in our existing jail practice, accordingly, none appears to me much more pernicious than the endeavor to ape military demeanor in it."

It is well to bear this thought in mind when considering the present condition of our American prisons: Many of their wardens and superintendents were soldiers in the war, and were appointed with no very clear notion on the part of the appointing powers, as to what prison discipline is, and how it differs from military discipline, with which it is often confounded. This is an important point, because we have a natural prepossession, since the war, in favor of appointing soldiers to office. A. B. was a good soldier, and a meritorious officer ; it is, therefore, inferred that he would make a good prison warden. And, up to a certain point, a good soldier is likely to prove at least a tolerable warden. The externals of discipline will be maintained ; the convicts will probably be well fed and well clothed (except those on hospital diet, perhaps, since an army hospital gives but little variety of food) ; the contractors will probably be subordinate to the warden, and not superior to him, as in some prisons ; and there will be less waste and speculation than in many prisons. But along with these obvious and acceptable merits will go, in most instances, the soldier's foibles. He will fret at the restraints of law ; over estimate his own wisdom, and the virtue of force and arms ; rely too much upon drill, pipe-clay and the pistol ; and will cherish an open or ill disguised contempt for plodding method, humane effort, school instruction and religious devotion. What the poets have pointed out, long ago, as the scholar's character, will be his, whether in the field, the civil service or the prison ; he will be "jealous of honor, sudden and quick in quarrel"—

*Acer et indomitus, quo spes quoque ira vocasset
Ferre manum : et nunquam temerando parcere ferro ;*

* * * * *

Jura neget sibi nata ; nihil non arroget armis.

Ten chances to one he will think there is nothing which brusque courage and a Colt's revolver cannot do ; he will arm himself and oblige his officers to carry deadly weapons ; he will construe remonstrance from a convict as insolence, to be punished in the guard-house or with the ball and chain ; he will chafe at authority over

him, even that of the law; he will resent the verdict of public opinion, even while yielding to it; he will exact punishment, and neglect reformation and instruction. These faults were conspicuous even in Captain Elam Lynds, the founder of the Auburn system of prison discipline, whom Edward Livingston praises for his moderation and his knowledge of human nature—qualities by no means common in the military type of prison officers, though Captain Macnochie and Colonel Montesinos of Spain—both military officers—seem to have been free from such faults; and both these very successful prison-wardens dispensed almost wholly with the use of deadly weapons in guarding and controlling convicts.

We should be inclined to say, were it inquired what is the most important single detail of prison discipline, to be observed by every officer—“*Above all things never go armed with a deadly weapon.*”^{*} For the courage, moderation and good sense, which would enable an officer to obey this injunction, would be his best security and his highest testimonial. Let it be understood and accepted, once for all, that a prison-officer's life, at least in a congregate prison, *is always at the mercy of the convicts.* A whole arsenal of weapons, a whole regiment of soldiers, will not protect him from assassination, if his prisoners are determined to murder him. His life is in their hands; just as the life of the sailor is at the mercy of the winds and waves; just as that of the soldier in battle is at the mercy of shot and stab, from which no armament of pistols can certainly defend him. Having once calmly accepted this truth—for it is true—the good prison officer will walk among his men as fearless as the sailor walks the deck; he would no more think of charging his pistol to protect himself, than the mariner thinks of shooting at the hurricane or the breakers. The skill of both is to avoid, not to confront, the deadly peril. We merely throw out these observations; but we are deeply convinced that they point to the innermost secret of success in prison discipline.

It is less important that prisons should be well-built, than that they should not contain too many convicts. The worst-built prison, with one or two hundred prisoners, promises better for their discipline than the best-built one with 1,000 convicts. We have never heard of so large a prison which was managed with the highest success for a long period; and could we decide the size of prisons, none should ever be built for more than 500 convicts. Nor are the architectural propor-

^{*}That model prison officer, the late General Pillsbury, of the Albany Penitentiary, never carried arms himself, nor allowed his subordinates to do so.

tions or internal arrangements of a prison, whatever its size, so important as the rules by which it is governed. This is a principle almost invariably lost sight of in America. The corrugated iron barracks of Lusk are better built for prison uses than the costliest and most scientific arrangement of cells and work-shops, kitchens and bath-rooms. Beyond security and separation, little is essential in prison architecture. The work-room and the school-room are more important than the ornamented guard-room or the ostentatious façade; the hospital and the chapel are of subordinate, but still considerable, consequence. One great merit of the Pennsylvania system, which dispenses with any chapel, is the cell visitation and instruction which it requires, and which is far less neglected there than in the congregate prisons.

The prison diet should be as plain, and at the same time as varied, as a proper economy and the health of the prisoners will permit. The hospital diet should be as good as the same diet elsewhere. The notion of preserving moral distinctions and inflicting culinary punishments among fever-patients and consumptives, is not yet "dismissed to the moon;" but it should be ere the next full. The mucous membrane has other uses, more natural, than to undergo the penalties of human law. The prison physician, too often a tyro or a third-rate practitioner, should be skillful and humane in a profession eminent for skill and humanity.

A French traveler, imaginative and brave, has discovered the gorilla in our time; for years he was thought to have invented that creature. Recent reports speak of the dodo as still existent. Wonders will never cease; we live in hope that somebody in America will either discover or invent that almost unheard-of being, the prison school-master. He is found in Ireland and in most other parts of Europe; but his appearance in the majority of our American prisons would excite as much surprise as to see the great Irish elk striding about the corridors or stretching his horns up for exhibition among the muskets and manacles in the guard-room. Rumors have reached us that there are school-masters in some of the Western prisons; but in Massachusetts we are slow to believe it. There is a school there at Charlestown, but no school-master. Distant hopes are held out that one will be forthcoming by and by, if people are good and do not find too much fault with the prison authorities. The warden thinks a school with a school-master "would prove highly beneficial to the convicts, state and contractors;" the chaplain gives still another argument against the present arrangement when he says: "The fact that some

in prison cannot read, and many have a very limited education, is not only lamentable in itself, but it *embarrasses a chaplain's plans and limits his usefulness*. It is therefore sincerely to be hoped that our state will make more liberal provisions for removing from her convicts the fetters of ignorance which exclude the light of God's revealed word." For whatever reason this hope may be entertained, it is a worthy one, but it can never be fulfilled until the prison school-master appears. Nor will it be expedient to dispense with him on the ground that the chaplain can do his work,—for in a large prison the chaplain's own duties are quite enough to tax one earnest man's whole energies. Take, for example, a congregate prison like that of Massachusetts, with 650 convicts. Should the chaplain labor there for ten hours a day, this would allow each convict almost one minute of his time each day, half an hour every month, and a little more than half a day every year. Unless the chaplain is peculiarly gifted in his mission, he can hardly accomplish much for his hearers in those odd minutes and half hours.

4. *The Results, Actual and Possible, of Prison Discipline.* The actual result of American prison discipline, as a whole, cannot be to decrease crime; for crime increases yearly, both in frequency and in atrocity. It has often been said that our prisons, upon the whole, increase crime; which we regard as probably true. Now the *possible* results of a good system of prisons, faithfully administered, are much better than this. It is *possible* to reform and restore to society a considerable number of our convicts, since in some prisons it has been done. It is *possible* to deter others from crime through fear of the consequences, and thus to keep out many men who are sentenced to prison now. It is *possible* to hold in confinement, for longer periods than is now done, those prisoners who have benefited nothing by their imprisonment, and who are either actually or virtually incorrigible. These general results, if once obtained, would be a great gain over what we see now existing; but along with the effort to secure these should go a much more systematic and persistent endeavor to prevent discharged convicts from returning to crime, to reduce the number actually confined in the minor prisons, and to improve the reformatory character of those prisons. The taint and corruption of prison life is much more likely to be communicated in a first or a second imprisonment than in the longer terms to which our state prison convicts are generally sentenced; and it seems to be true that a great many young persons are now shut up for brief periods in the minor prisons, who might just as well be elsewhere, and much better in reformatories.

What is most needed is the close and earnest attention of good people (to a much greater extent than is now given), directed to the whole subject of crime and its penalties, and especially toward the prevention of crime. And one great merit of the Crofton system of penal discipline is this,—that it gives “ample room and verge enough” for practical philanthropy to labor, in ways where what is to be done, by each person and for each person, is plainly seen,—where the process can be understood, the common sense and common humanity of mankind called into aid, and the results made so clear even to the skeptical, that it is capable of enlisting in its service a much greater number of workers than any other system yet devised. To introduce and perfect its methods in America seems to be a task worthy of the whole energies of our Association.

For the Committee :

F. B. SANBORN.

3. REPORT OF THE STANDING COMMITTEE ON DISCHARGED PRISONERS.

The Committee on Discharged Prisoners beg leave respectfully to submit to the National Congress on Penitentiary and Reformatory Discipline, their annual

REPORT.

"Am I my brother's keeper?" was the special plea interposed by the first murderer, in avoidance of his responsibility for his brother's blood. That plea is not obsolete. The same answer is frequently, nay, almost constantly given, even in this day of boasted light and knowledge, when it is asked, "Where is thy brother?"

With many, perhaps most of us, it is deemed sufficient that the offender has been convicted and punished, that the majesty of the law has been maintained, the dignity of the government vindicated, and the community so far protected.

We seek to ignore the fact that the safety of the community depends not more on the conviction and punishment, than on the reformation, of the convict; that imprisonment deprives of the present power of doing wrong, while reformation removes the disposition to it; that the one operates physically and partially, the other morally and continuously.

But the process of reformation, if it is to be thorough, must not cease with the expiration of the term of imprisonment. The crisis in the miserable life of the convict usually occurs at the time of his discharge. Then, with conscious infamy of character, and the belief that he is despised and shunned by every honest man; without friends, without employment, without sympathy, without hope, his resolutions for good conduct and for honest living, however firm, however sincere, utterly fail, and he is driven, irresistibly driven, back to the haunts of vice, and plunged again into crime.

He is made to realize the antagonism between society and himself; to feel that he is the victim, not of his crimes, but of the law; and that he is justified in making reclamations by the repetition of his former offenses, or the commission of more atrocious crimes. How important then to the community and to the individual is it, at such a crisis, to have the aid of some friendly hand to provide suitable

employment, and the means of self-support, and the counsel of some sympathizing friend to encourage him and aid him in his efforts to become a good citizen, and a contributor to his own comfort not only, but to the material wealth of the community as well.

It is not merely a postulate but an axiom, that one of the objects of criminal jurisprudence is the protection of society by the imprisonment and reformation of the convict. If so, then surely that protection should be continued by such measures as will provide against a relapse into crime, and a repetition of the former process of punishment and reform with diminished hope of success.

So much has been written and so much said upon this topic, that any additional remarks might seem to be superfluous. But we venture these suggestions, upon the principle "that precept must be upon precept, line upon line, here a little and there a little;" and with the hope that by such continual dropping, some suitable impression may be made upon the public mind.

A glance at what has been done in our own and in other lands, in aid of discharged prisoners, may be profitable if not interesting.

For this information your committee is indebted chiefly to the very instructive report on the International Penitentiary Congress, by the Rev. Dr. Wines, secretary of the National Congress, and to the official responses to the interrogatories by him propounded to every civilized government.

From these we learn upon the authority of Mr. T. L. Murray Browne, secretary of the Metropolitan Discharged Prisoners' Relief Society, of London, that there are in England thirty-four societies established for this purpose, all voluntary associations of benevolent persons.

Somewhat of an official character is given to them by gratuities allowed by law to discharged prisoners, from a few shillings to three pound each, placed in the hands of the Aid Society in trust for them. For men, houses of refuge or homes have been tried, where discharged prisoners are entertained as inmates, and kept at industrial labor until other employment can be found for them elsewhere. Two only of such houses have been successful; others were attempted but failed, and different plans preferred.

Their object is to secure suitable employment as soon as possible, and to aid them while waiting, by sustenance and kind and wholesome advice and moral support. To provide such employment, the services of a paid agent, usually an old police officer of good character for integrity and perseverance, is secured. The experience of

the society proves its success, and that, as a general rule, it is better for the prisoner to return to the place of his former residence, and there to resume his former occupation. The greatest difficulty is in obtaining suitable employment, but even that is overcome by judicious management.

The society with which Mr. Browne is connected has, within the past eight years, aided a very large number of discharged prisoners, and has never found it necessary for want of work to send away any man able and willing to work. The records show that only about five per cent. of those aided have been re-committed.

Mr. W. Bayne Ranken, honorary secretary of the same society, represents that during its existence, more than seven thousand have been so aided.

The difficulty of procuring employment for discharged females, especially those who have been re-committed, has led to the establishment of houses supported chiefly by private funds. These refuges for convict women who have been sentenced to five years' penal servitude, have a definite official character, and are a part of the prison system, and as such have aid from the government. They receive those who are deemed meritorious during their terms of servitude, and procure employment for them at its expiration, usually at domestic service. The results of both classes have been very encouraging and satisfactory. The want of greater success in the female department is, by judicious and experienced persons, attributed to the fact that so few female visitors and agents are employed.

The great value of female influence is exhibited in what is known as "*Mrs. Meredith's Washhouse*," connected with the Prison Mission of London, organized by that benevolent and efficient lady some ten years since. One object of this enterprise is to assist and save prisoners discharged from the London House of Correction for Women. Near the gate of the prison two rooms are hired by the Mission, where some of the ladies are in attendance every morning at the hour when those whose terms of imprisonment have expired are discharged. These discharged females are invited to their rooms and supplied with a cup of hot coffee and suitable food. Prayer is offered in their behalf, sympathy expressed, and the object of the Mission explained, and efforts made to win them to a life of honesty and purity. These efforts succeed with a few of the large numbers daily discharged. Such are then employed in a large laundry, where the bedding and clothing of some of the poorest and foulest occupants of the crowded slums of London are washed at the charge of six-

pence per dozen, a sum less than the owners can do it for themselves, if they had the inclination to the work. Thus the benefit of this notable Christian charity is incidentally extended to others. Many poor creatures are by such means reclaimed and restored to habits of honest industry and to virtuous lives. They are engaged at the laundry from eight o'clock in the morning till seven in the evening, with an hour's intermission at noon. They bring their own dinners, but are provided with a free supper, and receive one shilling a day for the work. At 4 P. M. they assemble at the chapel for prayer and Scripture reading; and all are invited to the Sunday evening service, where the Gospel is faithfully preached, and a cup of refreshing tea offered to each.

The famous convict system, projected by Captain Maconochie, at Norfolk Island, and as perfected by Sir Walter Crofton, in Ireland, almost supersedes the necessity for "Aid Societies." Yet an agent for procuring work for males is employed with satisfactory results. Efforts also are made to save females from relapse, through the agencies of "The Golden Bridge Refuge," and "The Shelter for Females;" the one being a Protestant, the other a Catholic institution.

From the Rev. Mon. E. Robin, the honorary secretary of the Paris Protestant Discharged Prisoners' Aid Society, we learn that in France the work of caring for discharged prisoners, there termed *patronage*, embraces industrial, moral and religious instruction, the object being to improve the prisoner's moral condition, and dispel the distrust felt towards him; and so to remove two of the causes of relapse into crime. The society begins its work by a selection of prisoners, the most meritorious and hopeful, visiting and instructing them while in the prisons. On the discharge of the prisoner, he receives a card, constituting him a *protégé* of the society, and he is furnished for a short time with food and clothing, and watched over after he has obtained work, and required to report to them every change of residence. The system has proved to be very efficacious, not more than five per cent. of those so aided relapsing into crime.

The Protestant ladies at Montpellier maintain a home for discharged females, where religious instruction is given, and by which places are provided for those inmates who give satisfactory evidence of reformation. Success has attended their efforts. There are other similar institutions in France, of which we need mention only the "Solitude of Nazareth," a refuge for females of the south, established

in 1842, near Montpelier, by the Abbé Coural; and seven other refuges for females, established by the Sisters of the Order of Mary-Joseph, near the central prisons. The administration recognizes the value of such institutions, and is earnestly engaged in efforts to increase their number, and in providing for more efficiency in the protection of those who are subject to legal supervision.

In Holland, the system of patronage is well organized, conducted with energy, and attended with comparative success. The central organization, called The Netherlands Society for ameliorating the moral condition of prisoners, has its seat at Amsterdam, and has forty branches in different parts of the country, and thirty-seven corresponding members where there are no branches. Their object is to save prisoners from relapse. Having authority to visit the prisons, their work begins there with efforts to win them to lives of industry and honesty. Attached to some of the societies are committees of ladies, whose labors are beneficial and successful.

In Germany, much interest is felt in the welfare of discharged prisoners. In some of the states the prison authorities are charged with this duty, and benevolent associations aid them in it.

In the Grand Duchy of Baden, the directors of the penitentiary establishments are required to unite with the Prisoners' Aid Societies and the local authorities in providing for liberated prisoners. But the scheme has not been in operation long enough to enable us to judge of its results.

In Bavaria, the administration, while the prisoner is yet under its care, corresponds with honest and suitable employers, with benevolent societies, parish vestries, and other authorities for procuring labor for deserving prisoners, and, on their discharge, provides clothing and necessary traveling expenses from the funds of the prison. Many are thus saved from a return to vice.

The authorities of Prussia exercise care in the protection and procuring work for their liberated prisoners, and, for that purpose, correspond with the minister of the parish and the public authorities of their former residence or place of nativity, and with aid societies where they exist. They thus become informed of the antecedents of the prisoners, and better enabled to make suitable provision for them. But the reluctance of employers to engage persons of this class retards their success.

A patronage society has existed in the kingdom of Würtemberg since 1831, embracing three thousand members, and managed by a central committee, with auxiliaries in various districts. Its object is

to promote the civil and moral improvement of the prisoner, and to secure employment in domestic service or skilled work. It supplies money for the purchase of tools, raw materials for manufacture, clothes, bedding, or passage money to such as prefer to emigrate. Youthful prisoners are objects of especial care; they are apprenticed or placed in asylums established for the young, who are charged with crime, or are suffering from neglect. An asylum for girls of more advanced age has recently been founded, which also receives liberated young women. By the established regulations it is made the duty of the commercial and state authorities to counsel and aid discharged prisoners.

In Austria, the government has no organization for the aid of this class. The occasional efforts of officials have not been attended with success. There is at Vienna one Liberated Prisoners' Aid Society, which limits its operations to the support of prisoners on their discharge until they can find employment, and furnishes them with clothing and other necessities.

The government of Belgium has made some effort to provide for its discharged convicts, and to prevent their relapse, and authorizes its reformatory institutions to aid their inmates on their liberation. But little success has as yet attended their efforts.

Denmark is to be noted for the Prisoners' Aid Associations formed in 1859, in the locality of each of its four great prisons. Each prison has its own society, with officers chosen annually. Some of those officers are functionaries of the prison, thus securing facilities for information and successful operation. Others are selected from citizens engaged in extensive business as manufacturers, merchants, artisans, or agriculturists, having the means and reasons for employing a large number of workmen. Prisoners to be discharged the ensuing month are visited by members of the association; their antecedents, character, present conduct and qualifications are examined, and suitable places provided for those deemed meritorious. The younger, especially, are aided by being placed in service; the older by gift or loan of money; the artisan by tools; some only by promises of help when they shall have manifested a disposition to help themselves. The societies thus appear to have been well organized, every year awakening greater sympathy, and increasing their number. The state, for ten years or more, has provided an annual subsidy. The municipal authorities of the towns and in the country increase their annual contributions. Legacies have been left to the associations, creating a fund for the procuring of clothing to the discharged prisoners. It

is manifest that the good cause occupies the popular mind, and commands its respect and its substantial assistance.

In two provinces only of Sweden, at the present time, do prisoners' aid societies exist. Their efforts have been successful, and the principle of their action quite commendable. They hold that if habits of order and cleanliness are acquired by the discipline of the prison, and the time of imprisonment properly employed in moral and intellectual training, and in giving each prisoner skill in industrial labor, there is less difficulty in finding employment on their discharge.

It is now proposed to establish agricultural colonies for the employment and training of those for whom work cannot otherwise be readily obtained. Such training and discipline prepare them for more valuable service, and render them more desirable employés.

In nearly all the cantons of Switzerland, patronage societies are organized. That in the canton of St. Gall was established in 1839. By the law of the land every prisoner, who is a native of that canton, or has his domicile there, is required to place himself for three months at least, under the protection of that society. Six weeks before his discharge, the committee receive from the director of the prison information respecting his age, character and conduct, of his trade, and the cause of his imprisonment, by which they are enabled to determine his capacity, and whether he is worthy of their patronage. At Zurich the director and chaplain of the prison are members of the central committee, and give all the information required.

The object of these institutions is to aid discharged prisoners by kind and wholesome counsel and material supplies, but more particularly to provide employment and help them to help themselves.

The National Swiss Society for Penitentiary Reform is providing for a more efficient organization and greater unity of action.

There exist in Norway some organizations for the aid of prisoners, and to save them from relapse, by providing for them positions as sailors, and supplying them with books, money, and other necessities. They hold, nevertheless, that too much assistance and support weakens moral strength.

The first patronage society has recently been officially established in Russia. From the enlightened and benevolent spirit of that great empire, as represented by its distinguished and learned delegates to the late Prison Congress of London, we may confidently look for great advances in this department of prison discipline.

Of Mexico, we can only say that committees of vigilance are being organized, who are to be charged among other duties with that of aiding discharged prisoners.

In the United States much in this department has been accomplished, but a vast deal more has yet to be done. Massachusetts has an official agency, which has been and still is very efficient and very successful in its efforts to aid discharged prisoners, and in saving many from a return to crime.

The New York Prison Association, incorporated by the legislature in 1846, has for its object among others, "the support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform."

It has authority, and is required, to visit by its committees and examine all the prisoners in the state, and is vested with all the powers and authority of the inspectors of the county prisons.

Its work is partly through a general agent, whose duty it is to visit persons in the prisons of detention of the cities of New York and Brooklyn, giving counsel and such other aid as may be necessary and proper; to learn the character, conduct and capacity of convicts, and encourage them in their efforts at reform, and to provide for the meritorious suitable means of self support.

As the evidence of what has been and is yet being accomplished by this great charity, we refer to the statistics of the year 1870, which may be regarded as representing the fair average of its annual results. In that year, 3,500 poor and friendless persons were visited in the places of their detention before trial. More than seven hundred complaints were examined, and such as were found to have extenuating circumstances were selected for special attention and speedy trial. Two hundred and twenty-four complaints were at the agent's instance withdrawn, because of their trivial character, or as the result of mistake or undue excitement, and especially in minor offenses, where prosecution would involve families in want and distress. Fourteen hundred and sixty-three liberated prisoners were aided with board, money, tools, and railroad tickets. One hundred and thirty-four were provided with clothing; one hundred and ten with situations in which to earn an honest livelihood; making a total of more than six thousand relieved materially, or morally, or both, during that year; and a grand total for the twenty-six years of the existence of the society, of more than one hundred and sixty-eight thousand.

The Philadelphia Society for Alleviating the Miseries of Public

Prisons is the oldest, and certainly among the noblest, charities of the land. It is in every respect worthy of the enlightened benevolence of Benjamin Franklin, one of its founders, and of the City of Brotherly Love. The statistics of that society exhibit an amount of successful effort not excelled by those of Massachusetts or New York.

The Maryland Prisoners' Aid Society has had an existence and experience of some five years. Its official report for the year ending on the 31st March last, presents a most satisfactory result. It has inquired into the charges against three hundred and eighty-four persons, and procured the discharge of seventy-two, whose cases seemed to justify it; homes and employment have been provided for eighty-two others, and pecuniary aid given to five hundred and twelve.

The California Prison Commission is also a very efficient and successful agency in this department of penology.

In Kentucky and Illinois, Prison Reform Associations have recently been organized under very favorable auspices, giving promise of great usefulness.

In New Jersey, there is no organization for the relief of discharged prisoners, nor other aid than suitable clothing and a sum of money, not to exceed five dollars, for expenses of travel to their homes. A Prison Reform Association was organized in 1840, having this as one of its objects, but by reason of untoward circumstances, it was suffered to expire. The appointment of a state agent for the aid of discharged prisoners has been frequently urged as a present and pressing necessity, but the legislature has failed to see its importance, or overlooked it in the multiplicity of its business. The only patronage organizations to be found in New Jersey are those connected with its reformatories for juveniles. Under the act establishing the Reform School for Juvenile Delinquents, at Jamesburgh, a boy under the age of sixteen years, who is charged with crime, or is a disorderly person, may be committed to the school during his minority. At the expiration of one year, any boy who, by diligence and good conduct, shall have attained to the "Grade of Honor," may be conditionally discharged. He may be allowed to return to his parents or guardians, or be indented to a suitable employer, to be taught some proper trade or occupation, but only on condition of good behavior. He is still the ward of the state, and so continues during his minority. The parent, guardian or employer, is required to make to the trustees a semi-annual report of his health and conduct, and to give prompt notice of his escape should that be attempted. Power is reserved to remand him to the school or to the action of the crimi-

nal courts, if need be. The same is true of the reformatory institutions of the other states.

Then there is in operation the principle of commutation, by which the pupil may earn this conditional discharge. Here, too, is practically "the ticket-of-leave" system, divested, nevertheless, of the prejudice which in England and Ireland attaches to its very name; and with this advantage over it, that the employer has a direct interest in the conduct of his apprentice, and has the inducement and the opportunity of exercising over him greater care and scrutiny than the most diligent policeman could do. The results of such conditional discharges have been very encouraging and generally quite satisfactory, and there have been very few recommitments.

Similar provisions are contained in the act establishing the State Industrial School for Girls, in 1871; too recently to afford the means of testing its work.

Public sentiment throughout the Union seems to be awakened to the subject. What has been done in the past, we have reason to hope and believe, is but the earnest of what will be accomplished in the future.

From this *résumé* of the work in this department of social science, and of the opinions of those most learned in it, your committee believe that the following principles may be fairly deduced:

1st. That governments are established to protect the weak from the violence of the strong, the innocent from the devices of the vicious, and to promote the general welfare of their respective communities. It is their duty not only to enact but to enforce the law and make it "a terror to evil-doers, and a praise to such as do well."

2d. That courts of criminal jurisdiction are one of the agencies through which this is to be accomplished and society protected.

3d. That imprisonment is meant to punish the violators of the law, and to deter from the commission of crime; but it more effectually protects the community when it is made to promote the moral regeneration of the convict.

4th. That the process of such regeneration must be begun in the prison; and while the inmate is made to feel that he owes to the state reparation for its violated laws, and that he can be relieved from his unhappy condition chiefly by his own exertions, hope may be inspired, and his will secured. Treated as a man with moral responsibilities, he may be won to virtue and to permanent reformation.

5th. That by proper prison discipline, habits of order and cleanliness may be inculcated and confirmed; and the time of the prisoner

employed in moral and intellectual training, and in acquiring skill and diligence in some industrial pursuit. By such means reformation will be rendered more certain, and the difficulty of procuring employment greatly diminished.

6th. That it is the duty and the true interest of the state to regard the welfare of the discharged prisoner. If the state seeks the protection of the community by the imprisonment and reformation of the convict, then it is obvious that the protection should be continued by such means as will secure him against relapse and avoid the repetition of the process of punishment. The expense of an agency for that purpose would be a wise economy, by saving the charges of reconviction and the further support of the prisoner, by rendering him, who had been a burden to the state and a disturber of its peace, a contributor to good order and to the material prosperity of the state. Even in this financial and lowest point of view, the subject is worthy of consideration. But in contemplation of the moral and social effects of the measure, the condition of one reconvicted, and his evil influence upon his family and the community, compared with that of a man reformed and restored to the ranks of honest and productive industry, there can be no doubt of the propriety and the necessity, as well as the economy, of such an office.

7th. That if in any state it should not be deemed expedient to establish an official agency, there should be legal provision made for all proper access to the prisoner by the agents or committees of voluntary associations, and facilities given for learning his character, conduct and capacity, and thus aiding the society in its work of benevolence.

On behalf of the Committee:

DANIEL HAINES.

4. DISCUSSION ON PRISON DISCIPLINE AND REFORM, CALLED FORTH BY THE THREE FOREGOING REPORTS.

Mr. T. J. Bigham, of Pennsylvania, remarked that much had been said in the reports to which they had listened, and much was said in the discussions of the day, concerning the Irish system, the Crofton system, the Maconochie system, and the Pennsylvania and Auburn systems; but they had a gentleman in his state, Mr. Cordier, at the head of a prison or house of correction, called the Allegheny County Work-house, who might perhaps be said to have a prison system of his own; at any rate, he has proved himself to be a most successful prison administrator, and he would be glad to hear from him a statement of the means by which he accomplished the remarkable results actually attained through his administration.

Mr. Henry Cordier, of Pennsylvania, thus called upon, gave a short and interesting account of his management of the prison under his care. He said that he did not claim any peculiar system of his own. Since he had become connected with penal institutions, now some twelve to fifteen years, he had learned that labor is one of the fundamental principles of prison reform, and, further, that labor must be voluntary. Work, performed unwillingly, can have no moral element in it. Prisoners must be convinced that labor is a blessing, not a curse; a privilege, not a punishment. He gave his prisoners a portion of their earnings, and it put manhood into them. A man is never punished for refusing to work. They soon come to feel that labor is a boon, and not a calamity. He claimed that no prison in the United States could show better behaved men, and the prison has been more than self-supporting. Our prisoners feel a joy and pride in our financial success, because they know that they brought it about by their enterprise and industry. While he did not believe that financial success should be made the end of prison discipline, he nevertheless thought it an important element in prison reform, and believed that, other things being equal, the prison which achieved the highest pecuniary results would be, at the same time, most reformatory in its influence on the prisoners.

The Hon. C. F. Coffin, of Indiana, said that the great question is, what system of discipline is best adapted to the mental culture of the convict, and the development of his moral nature. Labor, no doubt, plays an important part, but the mental and moral nature must not be neglected. He had visited many prisons in our own country, and in various parts of Europe. He returned from Europe deeply impressed by what is called the Irish or Crofton system of prison discipline, because from his first entrance into prison, it brings influences to bear upon the convict, that tend immeasurably to elevate and improve him. He had been particularly impressed by the intermediate prison at Lusk, in which the prisoners pass the third stage of that system. Here, after having gone through the first stage of cellular separation at Mountjoy, and the second stage of progressive classification in associated labor at Spike Island, the prisoner works on a large farm, which his labor has reclaimed from a barren common and converted almost into a garden; a farm surrounded by no stronger barricade than a hedge fence, yet from which, though the opportunity is ever present, very few attempts at escape have ever been made. Why this result? Because the prisoners have been so trained and disciplined as to love work and the very scenes where their labor is performed. They have learned that their prison keepers are their best friends, who are aiming and laboring to promote their best welfare.

Mr. Coffin expressed a high admiration of the Belgian prisons. Their organization and administration were excellent, and the penitentiary of Louvain was certainly one of the model prisons of the world. But the Belgian system is impracticable for this country. We have many difficulties here, one of the greatest of which, as noticed in the report of the Executive Committee, is the incessant change of prison officials, consequent upon a change of the state government from one political party to another. Until this system is broken down and rooted out, there can be no such thing as thorough and permanent prison reform. Just as the officers have begun to acquire the knowledge necessary to a successful discharge of their duties, there is elected a new state government, and a new set of men are appointed in their place. Ohio is at this moment feeling the baneful effects of this system. There, the late *ins* are out, and the late *outs* are in, and the consequence is that prison management is much disturbed. In prison discipline, labor and education are both important, but most of all must we look after the spiritual culture of the convict.

The Rev. Mr. Byers, of Ohio, late chaplain of the state prison there, insisted strongly upon the importance of schools in the prisons. While any prison system must be futile that is not regulated by the principles of Christianity, still, if he were obliged to choose between a thoroughly organized educational system in a prison, and the chapel exercise of one hour per week, he would give up the chapel service and take the school in its place, it being pre-supposed, as a matter of course, that the school should be conducted on Christian and not atheistic principles.

Mr. George Albree, of Pennsylvania, highly commended the system in vogue in the Allegheny county workhouse, near Pittsburgh, of which Mr. Cordier had given some account. He had himself been from the start a member of its board of managers, and knew the system and its workings through and through. He devoted much time to the instruction of the prisoners in their moral and religious interests and duties, visiting and teaching them every Lord's day, and seeking to bring them to Christ in a true spiritual conversion. He had learned, from his own experience, that prisoners had feelings and affections, and could be moved by motives like other men. He had also given much time and effort to the prisoners after their discharge, and had been much encouraged in that work. He had known many, after their release, to shudder at the idea of returning to their old criminal courses, and he could to-day point to former inmates of the work-house prison, who were holding positions of trust and emolument, to the entire satisfaction of their employers. He emphasized the great principle of Christian love and sympathy as the most important element in a true system of prison discipline.

The Rev. Wm. Bradley, of Massachusetts, agreed that prisons, in all their arrangements and influences, should be reformatory. Immediately on his reception, and throughout his retention, the prisoner should be made to feel, by the irresistible logic of good will and love, that he is under the charge of those who wish him well; who believe him to be a man—a brother—with the human qualities of a moral nature, to which moral nature God in his fatherly love and pity ever speaks. If we find this moral nature feeble and over-mastered by the sensual and selfish, as is the case with many outside as well inside the prison, so much the greater is the need of effort to nourish and strengthen it. In order to this, every officer of the prison must be loving and just, for it is an immutable divine principle, that like begets like—love awakens love. Prisoners should know that the object of imprisonment is two-fold—first, the reformation of the guilty, and second, the protection of society; not merely by depriving the criminal of liberty, but by an appropriation of a part of his earnings, while a prisoner, to make restitution to the one he has robbed or injured. Let a portion of his earnings be also set apart to his mother, wife, or children; or, if he has none of these, to his own use on his liberation. Thus a great lesson of justice and love will have been taught him. Oppression begets resistance and hatred; justice

begets justice, and love love. Therefore secure for prison officers not only men and women of good executive ability, but those in whom the qualities of justice and mercy largely exist. The welfare of prisoners and of society alike imperatively demands this.

Mr. Seaman, of Michigan, formerly on the board of state prison inspectors, thought there was danger of carrying this doctrine of brotherhood too far. He read several newspaper items, detailing brutal crimes and describing hardened and persistent criminals, and asked whether benevolent gentlemen, like the last speaker, would treat these men, these fiends incarnate, as brothers? He believed that, in the majority of cases, moral suasion is effective only when it has legal suasion behind it. His experience, which was not a short one, either in practice at the bar or in prison administration, had taught him that a portion of mankind could only be held in check and kept from crime through fear of punishment. They appeared to have no such thing as moral sense or conscience. Such persons are well nigh, if not wholly, beyond reformation. They are incorrigible, and beyond the reach of the salvation which these gentlemen preach. Moral suasion without law is a rope of sand. The doctrine of total depravity applies, in all its force, to a very large proportion of convicts. He believed that the best means of reform to be applied to this class of persons, was silent labor by day, and solitary confinement by night. He dissented *in toto* from the remarks made last night by Dr. Bittinger, to the effect that our prisons are schools in which the inmates are prepared to become artists in crime. He held that prisons prove to the criminal that when he violates law, he runs the risk of suffering severe penalties, and is thus impelled by fear, if by no higher motive, to a proper course of life.

The Rev. Dr. Clark, of New Hampshire, a former chaplain of the state prison, expressed great faith in the influence of moral suasion and of religious teaching, and believed that in the majority of cases kind treatment had a power which punishment had not. He described, in a graphic and effective manner, a wonderful revival of religion, which had taken place in the penitentiary of that state under the administration of the father of the late General Pillsbury, who was at that time its warden. No man comes back to God but under the influence of religion, and by the work of the Holy Ghost—by a power sent down from Heaven. He had formerly been a chaplain in the New Hampshire state prison, and had seen there that kind treatment had a power denied utterly to severity.

General Bane, of Illinois, member and secretary of the board of state prison commissioners, considered politics a great impediment in the way of changing the present system of officering our penitentiaries, and improving the prevalent system of labor. The system of leasing the prison is a losing one, and the people desire that prisons be self-supporting. The governor of the state instructs the prison wardens to look to this result as first and chiefest. The governor says to the penitentiary commissioners, "See to it, that your prison pays its expenses." He did not believe in the views just advanced by Mr. Seaman, that a majority of convicts are so depraved as to be beyond hope, though he did believe that some, perhaps ten out of every one hundred, are so; but he would not undertake to fix the exact proportion.

You talk about making men starve or work. He knew of a convict in the prison at Joliet who had absolutely starved himself to death in the solitary cell rather than work. He refused utterly to eat until he died there in his cell.

Convicts are continually plotting to escape; and they will not hesitate to murder their keepers to accomplish that end. How are you going to feel a "brotherly love," and all that sort of thing, for men who are feeling thus toward you, and plotting your destruction? The remedy for much of this depravity—much of the evil here set forth—must be applied back in society. We can get rid of these nefarious ten in the hundred, if we can get at their mothers and fathers and children.

Mrs. Coffin, of Indiana, by request, gave an interesting account of the female prison and girls' reformatory recently established in Indianapolis. She remarked that it is exclusively under the control of women. Mrs. Sarah J. Smith, an English Friend, is at the head of it as superintendent. Mrs. Coffin expressed the conviction that it is the best governed and best disciplined prison in the country; and she affirmed this after having visited many of them in many different states of the Union. Mrs. Smith governed her prison by the power of the gospel; and no woman or girl had yet been brought to her who was impervious to the influence of that power. When a prisoner was received, Mrs. Smith threw her arms around her and told her how she loved her, and how much she desired her salvation, both for this world and the next. Every woman in that prison, said Mrs. Coffin, is now converted. In three weeks at the outside, the most hardened girls are brought under the influence of this extraordinary woman; and if you pay the institution a visit, as I hope you will, you will find there a well-regulated family, where Christ is honored and glorified. These facts prove not only that woman is most capable of governing her own sex, but that moral suasion—meaning by that, the gospel of our Lord Jesus Christ—has a reformatory power which compulsion does not possess. In this prison Christ is the foundation and top-stone; the centre and the circumference; the all in all.

General Lockwood, of Utah, said that, in his experience, watching was as necessary as praying. Prisoners sometimes put on the garb of religion for sinister ends; they wore it as a cloak. He believed, however, in moral suasion and religious influence. He always made use of these influences first, but he was sometimes compelled to resort to compulsory process. He had yet to meet the first man who cannot be conquered in one way or the other; generally, he was glad to say, by moral means.

The Hon. W. W. Rice, warden of the Maine state prison, being called upon, stated that the industries of the institution under his charge were conducted on "state account," the warden directing as to the kind of manufacturing to be carried on, purchasing the materials, and disposing of the products. During the eleven years which he had been warden, with an average of 134 convicts, the prison had more than supported itself, including the salaries of all its officers, and the expense of transporting the convicts from the jails in the counties where they were convicted. It is confidently expected that in future, barring accidents, the prison will continue to be entirely self-supporting. As not more than three per cent. of the convicts have any trade when they enter the prison, it is believed that the want of a practical knowledge of some useful art is one great cause of their falling into habits and temptations which lead to crime. The remedy is applied so far as is practicable. It is made a specialty to give each convict a full trade, and of course he is habituated to labor, so that when released, with a trade to rely upon, and with the industrious habits he has formed while in prison, he goes out with no real necessity, and small probability, of returning to prison. The business of the prison is the manufacture of carriages and harnesses, and of boots and shoes, for both which there is a ready sale. It is considered important that convicts should be employed and instructed in that kind of business at which they can the most readily find employment when released from prison. The discipline is probably less rigid than in any other state prison. The plan adopted is to govern as little as possible, and *never merely for the sake of governing*. Officers and instructors assume that the convicts will conduct themselves in an orderly and proper manner, and they spend little time in seeking occasion for reprimand. Hence there is very little necessity for punishment, and little resort is had to it. Occasionally a convict has to wear a ball and chain, or is locked in his cell for a day; and in extreme cases he is confined in a dark cell, with short allowance of rations. But as a general rule, the liberal deduction from the sentence allowed for "good conduct," or the deterring influence of the law which provides that "whatever time a convict is in punishment for violating any rule of the prison is added to the length of his sentence," is suffi-

cient to induce those inclined to recklessness to conform to all reasonable requirements. Convicts receive no pay for labor, but industry is rewarded by increased opportunities to learn their trade. A teacher is employed to instruct convicts during the evenings, in reading, spelling, writing and arithmetic; and many of them make commendable progress in those branches. About eight per cent. of the convicts come back after being once discharged from prison, and probably as large a percentage find their way into other prisons, which leaves at least eighty-four per cent. as the apparent proportion which, if not "reformed," are lifted from the "criminal classes." There are some persons whose habits, education, and surroundings have been such that they seem nearly destitute of moral sense, and consequently there is very little hope of their reformation; but by the *prompt* and *sure* enforcement of penalties, we aim to teach such incorrigible convicts that it "*pays better*" to obey the laws than to lead a life of crime.

Rev. Dr. Mason, of Maine, said that the prison reform movement had made much progress in his state, and the people are greatly interested in it. Workshops are to be established in our county jails, in which prisoners may employ their time to advantage. The reformers in Maine have recognized that a proper reform in the state prison depends upon industry, education and religion. We have now a board of commissioners, who have devised a plan, which has been embodied in a law, by which a system of labor will be introduced into the jails. Thus, those arrested on suspicion can have an opportunity of making the best of their time, and the older criminals are to be separated from the younger, and instead of jails being schools of crime, they will become schools of industry.

Three things underlie all hope of reform—industry, education and religion—and these in their order. These we believe to be sufficient to secure reform. In Maine we are organizing reformatory schools, and have already an industrial school for girls, so that we claim that we are on the road to improvement. These steps are the legitimate results of increased knowledge of the possibilities that have been conceived and impressed upon the people in connection with the prison reform movement that has been inaugurated in this and other countries.

The Hon. T. J. Bigham, of Pennsylvania, said that the Pennsylvania prisons are kept entirely apart from political affairs. An essential condition precedent of perfect prison discipline is the inculcation of the idea that the inspection and conduct of prisons must be considered as much a profession as law or medicine. Bad results follow when contractors are allowed to control the prisons. If inspectors are appointed by the courts, and if the right kind of men, when once secured, are retained in office, the prisons will be well administered, and the true ends of prison discipline will be attained; but not otherwise.

Mr. Cordier, of Pennsylvania, believed in praying and keeping the powder dry in the care of prisoners. In his prison no guards are armed except those who are upon the walls. He considered one of the great defects in the Illinois penitentiary to be the large number of prisoners confined there. Twelve hundred men are too many for one prison. No man living can look to the moral and material welfare of such a large body of convicts. Illinois should build another prison, and two more would be better than one. When that is done, a great step will have been taken in the direction of reform. As to the man who starved himself to death in the Illinois penitentiary, let others decide whether it was a case of suicide or murder. Such cases can generally be managed, if the proper principles of prison discipline are applied.

The Hon. Richard Vaux, of Pennsylvania, said that the system of discipline now used in the Eastern penitentiary of Pennsylvania is properly called the "Individual-Treatment-System," and is certainly a system which has been followed by great success. Each man comes there from his own acts, and these are personal to himself, and we contend that he should be treated as his personal characteristics require.

The prisoners do not work or eat together, and do not see each other ; but they can see visitors almost without restriction. The school-master is the most important officer of the prison. Every convict is taught a trade, is taught to read and write, is restrained from conversation with his fellow-convicts, but is allowed to talk to any one that comes to see him. The surgeon is required to visit all prisoners, sick or well, on the principle that "an ounce of prevention is worth a pound of cure." We have no arms of any kind, except upon the night watchman. No gunpowder is kept in the prison. In thirty years' experience we have never heard a pistol shot in the prison, and no convict has ever been wounded there. Dogs are kept on watch at night as assistants to the guards. They simply bark if anything is wrong—that is, when they hear any unusual noise. Manufacturing material is bought at market prices, and the goods manufactured are sold at the same, so that there is no unfair competition with manufacturers who employ honest men. The convicts are allowed pay for over-time. One man supported a wife and family outside of prison by pay for over-work done while in prison. The prisoners cost about thirty-four cents a day per capita. Labor is not farmed out nor let out by contract.

We are not self-supporting, said Mr. Vaux, and I trust in God we never shall be. When a prison becomes self-supporting, it is just what prisons are not intended to do. Half the crimes committed are produced by society. Human ingenuity cannot build a prison that human ingenuity cannot get out of.

In answer to a question, Mr. Vaux said that they had cases of insanity, idiocy and imbecility, but these were not produced by the discipline of the institution.

Mr. B. C. Barlow, of Pennsylvania, gave an account of the House of Correction at Philadelphia. It is, he said, an intermediate institution between the penitentiary and the alms-house. In it are gathered from the streets the fallen of both sexes, of all grades and conditions, from sixteen to seventy. Under the present law the courts do not send to it ; but the magistrates commit for drunkenness and vagrancy, street walking, etc. The building and grounds have cost the city of Philadelphia over a million of dollars. It will have accommodations for two thousand inmates. Only two wings have as yet been completed ; and there are five hundred and fifty persons in them already. Kindness is used as the controlling principle. We feed those under our care well, but not luxuriously ; give them good advice, and impart to them religious instruction ; and they seem not to need much further government.

Mr. Henry Hopkins, of Kansas, warden of the state prison, by request, made the following statement touching the management of the institution under his care. He said that the Kansas prison is conducted on what is known as the congregate and silent system for work, meals, chapel and other services ; the prisoners being confined separately in cell when unemployed. Obedience to all rules is the first requirement. Immediately on entering the prison, each prisoner is given to fully understand what will be required of him ; all rules are explained in detail, and he is admonished to make himself thoroughly conversant with them, as they are printed in large, plain type, and a copy is posted up in each cell. They are also given to understand what benefits will accrue to them *individually*, if they conform to what is required. We make punishment the *last* resort for the ordinary violation. If prisoners can be corrected without it, we consider it better for both prisoner and officer. Before administering punishment, a thorough investigation is made by either the warden or deputy, and no punishments are administered except by their order. Each prisoner is made a study, and we endeavor to know all thoroughly, and how each can best be governed. Each prisoner is required, when not sick, to work diligently during working hours, and no tasks are given. There is, consequently, no over-work. Each one is allowed, as his share of the earnings, five per cent. of seventy-five cents per day for every day he is not sick or under punishment for violation of rules ; and he must serve one year before he becomes entitled to any part of this amount. This will give him about

twelve dollars per year. At the expiration of that time he may use it, either to send to his family, or for the purchase of books, or any article permitted him in his cell, or to subscribe for any paper or periodical not contraband. We allow our prisoners a wide range of reading matter, but exclude everything of an immoral character.

I have never seen any good come from keeping men ignorant of what is going on in the outside world, fit to be known. A majority of the prisoners look forward anxiously to the time when they will become entitled to their earnings. Our commutation law is quite liberal, and allows all who do not willfully violate rules, three days' deduction each month for the first year, six days each month for the second year, and for every year after the second, eight days; making an annual deduction of one-fourth from his sentence after the second year. We furnish school books and instruction to those who are deficient in reading, writing and arithmetic, and have recitation in classes on Sundays, selecting from their own number as teachers, those who are trustworthy and sufficiently advanced. These exercises and instructions are under the immediate supervision of the chaplain, who devotes his entire time to it, to visitations to cells, and to prisoners' correspondence. We have a library now numbering about 1,400 volumes of carefully selected books, including Dickens' complete works, Waverley, American Encyclopedia, travels, biography, etc. Books are issued every eight days, and each prisoner is allowed to select what book he wants, and is held strictly accountable for its return in good order. All prisoners are required to attend chapel services on Sunday. The chapel, dining-room, and hospital are large, airy, and well lighted. I believe that plenty of sunlight, fresh air, and cold water are conducive to good discipline and reformation; but these, or anything else, are useless unless you have proper rules, and those rules are strictly and fully enforced.

Punishments for violations are varied according to circumstances, and the character of the individual is duly considered. Every prisoner is given to understand that the rules are for him to obey, and that they must be obeyed. We aim, though, at all times to work with human nature, and not against it. Our punishments consist chiefly in deprivations of privileges, such as use of library, correspondence, etc. Those of a more positive character are confinement in cell, with or without diminution of rations, loss of monthly commutation, etc. When a prisoner is locked in solitary, he is permitted all the sunlight possible. Dark cell is not used, and the ball and chain very seldom. We endeavor to look after, keep down, and check little violations, and thus we avoid nearly all greater ones. We require written reports from every shop and department, daily, of everything that transpires during the day, both as regards prisoners and officers.

The prison diet is plain, abundant, and well cooked, by steam, and each prisoner is allowed all that he wants. An extra meal is served to them on the Fourth of July, Thanksgiving and Christmas, and we find good resulting from this practice. It is no use to try to reform a hungry man; feed the prisoner well, and then you can reasonably demand a full day's work, and full compliance with rules and orders. We aim, so far as is practicable, to teach every prisoner so much of a trade as will enable him to work at it on discharge, and we are trying to introduce such trades as are carried on in our own state. No provision being made by the state to furnish employment to the prisoner on his discharge, the chaplain makes it a part of his duty, in every case possible, to find employment for the liberated, either at his trade learned in prison, or any other work that offers. For uniform obedience to the prison requirements, the prisoner, on discharge, is recommended to the Governor, and on that recommendation he is restored his rights of citizenship. The labor is carried on, partly on "state account," and partly on the contract system. We find no more difficulty in managing the industries under the contract system, *properly guarded*, than if conducted by the state.

Mr. Wheedon, of Rhode Island, of the board of state prison inspectors, said that

they also used the contract system of labor in the penitentiary of his state, and did not look upon it as the worst system of prison labor in the world. Indeed, he thought, with the last speaker, that, if properly managed, it was not a bad system. They also claimed that the fare furnished their prisoners was good and sufficient; better, in fact, than the rations supplied to our soldiers during the late war. They found prisoners susceptible to the same influences as other men. We reward them, said Mr. Wheeldon, by giving them so many days a year off their sentence, for good behavior and industry. But there is one thing in which we come short, viz., in not giving the prisoners a share in their earnings. A certain percentage of the wages of the prisoner should go to the support of his family, or if he has no family, he himself should have his portion when he leaves the prison. Five or six dollars are given to the prisoner and also a good suit of clothes, when he is discharged. We have a library, of which good use is made by the prisoners. We have a flourishing prison Sunday-school, taught by volunteer workers, ladies and gentlemen from the city churches. We have also an evening school, and no prisoner, if he remain long enough, however ignorant he may be on his entrance, goes away without the ability to read, write and cypher.

But there is one material thing lacking. We want the state to appoint an agent, whose business it shall be, to ascertain when our criminals, of whom we have an average of sixty to ninety, are about to be discharged, and to find situations for them, where they can earn an honest living. Our chief punishment is partial deprivation of food, a ration of bread and water, and confinement in a dark cell; but this last is rarely necessary. We have lectures occasionally, which are much prized by the prisoners, who listen attentively. We give them, on certain occasions, an extra good dinner. We also occasionally turn them all loose in the prison yard, to amuse themselves with athletic sports. Our humane treatment, so far from weakening the discipline, increases rather the observance of the laws, making the prisoners more cheerful, industrious and obedient.

Dr. Young, physician to the Missouri penitentiary, at Jefferson City, said that their prison had a beautiful location; that the prisoner could stand in the prison yard and look for many miles up and down the Missouri river. There are, he said, 900 men and 40 women confined there. The females are not confined within the same walls with the men. There is a new cell-building, having accommodations for 600 inmates, each cell containing four prisoners. The cells in the new prison are large, and well ventilated. The building is composed entirely of iron and stone.

The system is the congregate one, and the prison at this time is leased to a business company. The lease was entered into a year ago, and is to run for ten years. The government is divided between the lessees and the state, which latter is represented by the warden, the physician, and the chaplain. The punishments are, shaving the head, locking up in the blind cell, and, for a third offence, the lash. Some amusements are allowed. The prisoners have three holidays—Christmas, New Year's, and the Fourth of July. On Sundays, the 900 prisoners are all turned out in the prison yard together. The food is sometimes good, and sometimes it is not, as will always be the case under a leasing system. The lessees furnish the rations, the state having surrendered all authority in this regard. We have, I think, the poorest hospital in christendom. In summer we have an average of about 26 patients in the hospital, who are almost roasted by the kitchen furnace, on the floor directly underneath. We have three prison inspectors *ex-officio*, viz.: the treasurer, auditor, and attorney-general of the state. They are required to visit the prison once a month, and to hear any complaints made either by officers or men.

It has not been found profitable to work the women in the penitentiary, and they are therefore hired out to private families in Jefferson City. The women are leased to the contractors, who rent them out to the citizens, being responsible for their safe-keeping. These men demand and obtain \$8 a month, together with their living, for

their labor, and not one of the women has run away, or attempted to do so. They are sent to their work at different residences, under guards, at five o'clock in the morning, and they are brought back at night in the same way. Frequently, however, the women who are working out get tired of waiting for the guard to take them back, and they return to the penitentiary by themselves. When a man is discharged, he gets a \$12 suit of clothes and \$10 in money. Prisoners are not allowed to remain in Jefferson City after their discharge. They all receive a technical pardon, at least a few days before their term expires, so that they may not lose their citizenship.

Dr. Young (in reply to questions) said that it was considered that the physician had nothing to do with a prisoner unless he was sick. When a man was punished by being locked up in the blind cell (dungeon), it rarely happened that after being there six hours, he did not have to be taken into the hospital for medical treatment. One prisoner, who had been confined in that cell only six hours, had to be treated for a derangement of the optic nerve. Another, who had remained in but one night, was laid up with inflammatory rheumatism for six months. The atmosphere is close, and prisoners confined in it suffer greatly from depression of spirits. He had never had to administer more than a local treatment for effects produced by the lash. The whipping is done with a raw hide. This punishment is applied only by consent of the warden, and under his supervision.

General Bane, of Illinois, said that since his connection with the state prison at Joliet, he had often felt a desire to introduce some recreations or amusements among the prisoners. It seemed, from what had been said, that, in some prisons, the prisoners enjoyed the privilege of occasionally coming together to talk and laugh, and to crack jokes and amuse themselves in a variety of ways. But he had never yet had the courage to turn 1,200 criminals loose in one yard.

Dr. Wines, of New York, said that he did not propose to make a speech himself, but he had received a letter from Mrs. C. H. Wood, of Massachusetts, who had had large experience in the management of female prisoners, and who, unable to attend this Congress in person, had communicated some thoughts on that subject by letter, which were germane to the present discussion, and which, therefore, he would ask leave to read. Mrs. Wood said in her communication:

My work has been confined to female convicts, and it is in their behalf that I beg to make a few remarks, hoping that my point may be noticed by some one more capable of putting it before the Congress than myself. It is considered more difficult to reform female than male convicts. They have the reputation of being more vile, when abandoned to a vicious and criminal life. I have not had sufficient experience with male convicts to reduce their characteristics to any standard of my own, by which I might compare them with female convicts, of whom I have seen a great deal. I have been led to question, from what I have seen of both parties, whether the comparisons drawn between them were just; whether the difference in the cases does not depend, in a great measure, upon the way in which we regard them. Our social education has taught us to consider woman more degraded by vice than man, and we pronounce her so without an impartial investigation of facts, produced by an impartial application of the same treatment of both, and we pronounce her so, thoughtless, I fear, of justice. It cannot be that the bare deed of committing a crime is more of a sin in woman than in man, without regard to other circumstances. That it is with more pain and less charity that we witness her degradation, must be owing to the way in which we have been taught to look upon it. In Miss Carpenter's "Reformatory Prison Discipline" may be found, in one sentence, the obstacles to reclaiming her with the same success which attends efforts made in behalf of male convicts. She says on page 76: "The structure of society precludes the adoption of such a system as has been known to work admirably for men." If, owing to the conditions of society, it is impossible to treat male and female convicts alike, how is it possible to

compare them justly, and pronounce correctly upon their difference of character? The female convict suffers a great wrong from this inequality of conditions, and the charge of deserving it is an additional and unnecessary cruelty. It seems to me that the principal difference in reclaiming them lies, not in any essential difference of character, but chiefly in the way in which they are regarded and treated. The same motives, if set before her in the same spirit and under the same circumstances, will be found to influence the female convict, which operate upon the male to produce his reformation, allowing only for the difference of individual character. If the female convict is more abandoned and less easily influenced to reform, it is because she is herself less hopeful, owing to the way in which she is regarded by society and connected with it.

It is impossible to overturn the structure of society in order to obtain the same treatment for the female as the male convict; it may be difficult to overcome the deep-rooted prejudice against her so far as to place her upon an equality with him in the opportunity to reform; but we may diffuse knowledge, and excite a pity in her behalf, which will help to counteract the peculiar disadvantages of her position.

In managing female convicts, I have, with scarcely an exception, found that a promise to afford help in obtaining employment, after their sentence expired, is a sufficient motive to induce them to strive for my approbation. I am always met with incredulity when I first make the proposition to help them to places if they behave well, while serving out their sentences. "O, that can't be done; nobody will take us after we have been in here!" is the invariable reply. I assure them that it can be done. "*You* might do it, but others will not," is the hopeless answer. I have found it difficult to convince them, in almost every instance, that they may be trusted and employed again by respectable people; so fully do they appreciate the reputation which is attached to them.

I have met with instances of reformation in women, who were committed to penal punishment for drinking. Out of several cases which are in my thoughts, I will tell you of one. A woman in Bellevue Hospital, who had been sentenced to Blackwell's Island for drunkenness, remained with me in a ward of which I had charge, several weeks after her sentence expired, to show me that she was sincere in her reformation. I had promised her that I would recommend her to a place if she proved herself reliable, and she voluntarily remained with me and performed the duties of a servant, without pay, as she supposed, till I fully proved her. I had said to her a few days before her sentence was to terminate, "I'm afraid that if you leave when your time is up, you will be just thirsty enough to give way to temptation, and will be immediately brought back." Her reply was, "I'm afraid I shall; but if I stay here five or six weeks without it, the worst of it will be over, and I shan't want it. I'll stay, if you will help me to a place, till you think I can go safely and behave myself." I replied that I would, and a more faithful servant than she proved I could not wish for. That was not a solitary instance; it has been my average experience with female convicts, and it is upon such experience that my opinion is founded that, in the same circumstances, the same system of treatment would prove as successful in reclaiming the female as the male convict.

The Rev. Mr. Bradley, of Massachusetts, referring to the report of the Committee on Discharged Prisoners, said that of all unfortunate classes, liberated prisoners were, in some respects, the most unfortunate. They come out of prison to find, for the most part, little help or sympathy. It is difficult, almost impossible, for them to obtain situations. Mechanics, manufacturers, merchants, refuse to employ them. Respectable boarding-houses reject them. If some true or kind-hearted person gives them work or board, how many of the employés or boarders will remain if the "jail-bird" is retained? Is it strange that, under these circumstances, so many of them fall again and again? Are not relapses inevitable? Indeed, it is a matter of wonder

that so many stand firm and hold fast to their integrity under the many difficulties, discouragements and temptations that beset them.

Is there no remedy for this state of things? I think there is. In the first place, there must be some agency that shall, in a true Christian spirit, place itself in contact with every prisoner who is about to be set at liberty; an agency that shall learn his capabilities, prospects, hopes, plans and purposes, and, if possible, secure for him employment, and guide and strengthen him to good amid the first dangers that encompass him on his liberation.

But it is not likely that even such an agency will meet all cases. Therefore I have another proposition to suggest. It is, that there be established a Voluntary Industrial Home, embracing a farm and workshops of different kinds, to be open at all times to the most needy unemployed, where they may earn moderate wages and remain till they can do better. To this refuge for the unemployed, let the liberated prisoner go as freely as any other. Let him be welcomed to the home, the farm, the shop, the work, the wages, the kindness, the rest and pleasure, so that a life that has been hitherto cloudy and dark may become bright and beautiful. This is the way to protect society against the renewed depredations of men who, under other circumstances, would, in all likelihood, return—be almost forced to return—to a life of spoliation and crime. It is cheaper to save men thus than to endure their continued plunderings; far cheaper than to arrest, try, convict and imprison them anew.

Dr. Wines, of New York, said that while he had a profound appreciation of both the importance and difficulty of this question, and felt grateful to the committee for the study they had given it and the light they had thrown upon it, he feared that his friend from Massachusetts had painted the matter in rather too sombre colors, and had not given due credit to the efforts already made and the good accomplished in this direction. The gentleman's own state had long (he believed for nearly a quarter of a century) had a state agency of the kind suggested by him. It was within a very recent date that the agent (who is partly supported by the state and partly by private benevolence) had related to him an incident in his work which greatly interested him, as showing that not all employers have their hearts steeled against discharged prisoners, or are disposed to yield to the clamors of prejudiced fellow-workmen. This gentleman said that several years ago he had obtained a situation for a convict, then just released from the state prison, with an extensive manufacturer of machinery in or near Boston, to whom, as always, he made known, without reserve, the antecedents of the man, but recommended him as a capable workman, in whose good resolutions he had entire faith. The laborer responded, in all respects, to the representations made concerning him, and won the respect and confidence of his employer. Some months had passed, when his comrades in the establishment learned that he had come there from the state prison. They immediately deputed one of their number to wait upon the proprietor and ask for his dismissal. This man called upon the owner in the course of the morning, when the following dialogue ensued:

Employé.—"Mr. ———, I have been appointed by my fellow-workmen a committee of one to inform you that you have a discharged convict in your employ, and to say that we decline to work with him, and shall leave your service if he is not dismissed."

Employer.—"Is that so?"

Employé.—"There is no doubt of it; the fact has come to our knowledge in such a way as to leave no room for doubt."

Employer.—"Is the person to whom you refer a good workman?"

Employé.—"Excellent."

Employer.—"Do you know his boarding-place, and whether it is a respectable house?"

Employé.—"There is none more so."

Employer.—"What are his habits as to drink?"

Employé.—"There is no reason to think that he drinks; we have never seen him under the influence of liquor nor smelled it upon his breath."

Employer.—"How about his associates—have you reason to suppose that he consorts with bad characters?"

Employé.—"No; he is always in at night, and spends most of his leisure time in reading."

Employer.—"Now, sir, upon your own report, I also appoint you, on my part, a committee of one, to return to your comrades and to say to them, from me, that at twelve o'clock to-day, when they quit work for dinner, the balances due them will be ready, and that they may come to this office and receive them; after which I shall have no further occasion for their services."

It is hardly necessary to say that not a man went for his pay. The agent, Dr. Wines said, in relating the story to him, added: "The man is still in that place, and I should n't wonder if there are several more there of 'the same sort.'"

When Mr. Haynes was warden of the prison at Charlestown, he had often told him (Dr. Wines) that there were several large manufacturing establishments in and around Boston that were willing to take, and did take, discharged convicts into their employ, who were recommended as good workmen, and were believed to have resolved to lead an honest life.

Though the work of aiding liberated prisoners (Dr. Wines continued) is not as extensively or as efficiently organized among us as in England, and in some of the countries on the continent, yet it is not wholly neglected, and is daily gaining new territories. Pennsylvania has a prison society, dating back nearly a century—the oldest in the world—which is as active to-day as in its early prime. California and Maryland have had, for a number of years, very efficient state organizations of the same kind. Illinois and Kentucky have recently formed state associations, which give promise of effective work. Other states are moving in the same direction, and other localities still have similar organizations, but of a more restricted sphere. But there is no state where this work is so thoroughly organized, or so efficiently managed, as New York. While New York is behind all her sister states in her *prison system*, because of the dominant and baleful influence of party politics over the administration of the system, she takes the lead of all in her efforts to rescue and save the liberated prisoner. The New York Prison Association is the agency through which this good work is accomplished; and I take pleasure in saying that the special plan, through which the work is effected, is due to the intelligent and active zeal of my successor (Dr. Elisha Harris) in the secretaryship of that association. It would occupy too much of the time of this Congress to go into a detailed account of the machinery, if I may so name it, by which this care over discharged convicts is exercised. It is enough, for present purposes, to say that several hundreds of employers—manufacturers, artisans, machinists, miners, iron masters, farmers, etc. etc.—scattered through every county in the state, have agreed to co-operate with the association by receiving into their employ, whenever practicable, such liberated prisoners as it may recommend as likely to do well. All the penal institutions of the state send to the association, near the end of each month, lists of such of their inmates as are to receive their discharge during the following month. Each of these establishments is immediately visited by an agent of the association, who, in an office set apart for the purpose, has a private interview with every prisoner to be so discharged, and learns from him his aims and wishes as to the future. Thereupon the secretary immediately enters into the needful correspondence with the employers who have come into the agreement above mentioned, and who are all classified, in a book kept for the purpose, by counties and by occupations. The results of this system are reported as gratifying and satisfactory in a very high degree.

Still, there is a "more excellent way." It is that which, I will not say is adopted, but inheres essentially, in the Crofton system. This is a system of graded prisons, where the punishment begins with isolation and ends with an imprisonment that is little more than moral. This last stage, undergone in what is called the "intermediate prison," so named because it holds a middle place between an imprisonment properly penal and full liberty, is a probationary stage, which is designed to test the reality of the reformation believed to have been effected by the preceding discipline. So successful has this scheme proved, that Mr. Organ, late superintendent of liberated prisoners in the Irish convict prisons, informs us that, for years, he could not meet the demand for convict labor on the instant, but was obliged to keep an order book, and enter in it the names of employers who desired such labor, so that each might be supplied in his turn, whenever it might, through liberation, be at his disposal. The intervention of no patronage or aid society was necessary, or ever has been, in Ireland, since the introduction of this system; the system itself, by force of its normal operation, effecting, easily and naturally, through the labor market, the re-absorption of its subjects into the general mass of honest citizenship.*

* In the last annual report of the National Association, containing the transactions of the Baltimore Congress, there is a somewhat extended account, by Dr. Harris, of the work of the N. Y. Prison Society, in its relation to discharged convicts. As many persons into whose hands the present report will fall, may not have seen, while desiring to see, this account, it is here appended to the foregoing discussion on prison management, in the form of a note, as follows:

"A perfect understanding now exists between the board of inspectors of the state prisons and the New York Prison Association as to their mutual relations and the rights of the association as regards admission into the prisons and the use of agencies for the salvation of the convicts after their liberation. In each of the three state prisons the corresponding secretary is provided with an office, where he is permitted to send for and converse with any and all prisoners whom he may desire to see, and to counsel and aid with reference particularly to employment after their discharge. The prison wardens, chaplains, and clerks have been officially instructed by the board to give all the information and aid desired by the association for the furtherance of this end, so that it may be enabled to render all the service possible, both to the convicts on their release, and to the interests of society and humanity, on whose behalf the service is performed. Lists of the prisoners to be discharged each month are sent to the association in advance, and the secretary visits regularly all the prisons, and has an interview with every such prisoner, to ascertain his physical condition, ability, wishes, purposes, and whatever else may be helpful to him in enabling him to procure work the instant he becomes a free man, if his intention is to pursue an honest way of life. The key to the success that has followed this effort is the employment-register, which contains classified lists of more than three hundred employers in thirty different occupations and trades of the best organized industries all over the state. The private interviews with each convict during the few weeks immediately preceding liberation, constitute the first essential step in the whole effort. Great pains are taken in these interviews to reach the convict's judgment, conscience, and heart, and to give him definite instruction and advice concerning common duties and the personal safeguards and care which he will most need when liberated. Care is taken, also, on the other hand, to secure, in each chosen employer, a true and earnest co-worker in the effort to save these men, who are struggling toward a return to honest industry and respectability. As no intermediate stage of testing or preparation is possible, under existing circumstances, in dealing with convicts discharged from the New York prisons, and as it is all-important that they be usefully employed from the day of liberation, and that, as far as possible, they be dissuaded from going into the large cities, except under rare circumstances and definite stipulations concerning suitable and constant employment, it is not too much to say, concerning the helpful interest and efforts of the employers who have lent us their aid in this work, that theirs is the noblest share in it. Modify and improve the present method of this duty as we may, and, indeed, as events and progress in it must require, still the employer who continues to offer to the liberated convict the means for honorable and self-supporting industry, and a replacement in the ranks of honest citizenship, will continue to be a chief dependence in all this difficult task.

"Each state prison and most of the penitentiaries and larger jails make monthly returns to the New York Prison Association, showing the date of report; the name, nativity, age and crime of the prisoner; from what county and by what court sentenced; term of sentence;

reduction of sentence by good conduct ; former habits and occupation ; his employment in prison ; his social relations and residence of nearest friends ; present physical condition as regards ability to labor ; amount of money ready for him on liberation ; together with such general remarks as the authorities may see fit to append. A card is given to each liberated prisoner, on his entering upon the situation provided for him, containing sundry counsels, of which the following may serve as a specimen : Form the habit of depositing in a savings bank from twenty-five to seventy-five per cent. of your wages every pay-day. Keep clear of all bad associates. Maintain a habit of useful reading ; with other like maxims. It is expected by the association and the employer, that the person thus aided will promise : 1, to live prudently and honorably ; 2, to labor faithfully and punctually ; 3, to abstain from intoxicating drinks ; 4, to maintain self-respect ; 5, to deserve the respect of others ; 6, to agree with his employer concerning the proportion of monthly or weekly savings."

5. REPORT OF THE STANDING COMMITTEE ON PREVENTIVE AND REFORMATORY WORK, AS RELATED TO CHILDREN AND YOUTHS.

EXPLANATORY.—This report was submitted in two parts, or, to speak more correctly, perhaps, two reports were presented by the committee, one written by Bradford K. Peirce, D.D., lately chaplain of the New York House of Refuge, and the other by the Rev. Charles L. Brace, Secretary of the New York Children's Aid Society. The manuscript copy of the first of these reports has, in some mysterious and unaccountable way, disappeared from among the papers in the hands of the secretary, and, after long and diligent search in various quarters, by correspondence and otherwise, no trace of it has been discovered. Mr. Brace's paper is, of course, given *in extenso*, while that of Dr. Peirce, which was exceedingly comprehensive and able, can only be given as imperfectly reported in the St. Louis journals, on the day following its presentation.

MR. BRACE'S PAPER.

In the long campaign, in which we are engaged, against the evils arising from poverty, neglect and criminal education, against pauperism, intemperance, ignorance and crime, it is not often that we can record a clear and decided victory. Our successes are, rather, but the imperceptible gains made each year from the territory of misfortune and criminality. They are only visible in their aggregate after years of toil, and our efforts have to be made in the faith that it is the duty of each human being to do his humble part to alleviate the miseries, whose number he cannot diminish, and to add to the slowly rising structure of human welfare his own little services, without which, as small as they are, we should not finally see the perfect "kingdom of God" on earth.

Quételet has shown us that in most old communities there will always be a certain average of crime and a fixed proportion of misery. It has perhaps been, with most of us, merely a faint hope that we should prevent that average from increasing, or, on the other side, sustain the equally probable average of human benevolence struggling with misery, and of human wisdom preventing indulgence and crime. It may happen, however, in new countries, that preventive measures may be so wisely planned and so favored by the fortunate classes, and carried out on so large a scale, that definite and unusual results may be obtained in the diminution of crime, and the usual average of older communities be remarkably lessened.

We are prepared to report to this Congress such a victory of pre-

vention, gained at one of the most difficult points on this continent, our most crowded city, and one exposed to the evils of a poor foreign immigration, where, of necessity, the best American ideas have less scope and field of influence than in any other city of the Union. We shall reverse the historical process and first detail the particulars of the success gained, and then describe the strategy that led to it. Twenty odd years ago the condition of the female poor in New York city was lamentable, indeed. Great numbers of the little girls and older daughters of destitute foreign immigrants were drifting about the streets. They were growing up as petty thieves and prostitutes. The arrests of females for vagrancy were enormous.

These children and girls would not attend the public schools, and came under no religious influence. As they matured, they joined the great multitude of abandoned women, whose miseries and crimes already made New York notorious. So conspicuous and alarming had these evils among street children, both boys and girls, become, that in 1848, the chief of police, Captain Matsell (returned again to the place in 1873) put forth a celebrated order in regard to street children. This and the charge of the grand jury of that year roused public attention to these terrible evils, and in 1852 and 1853 began a series of well arranged and carefully organized efforts for street children in New York, which we shall describe more particularly, later in this paper. We will now turn our attention to the offenses and crimes which had been rife in New York among girls and women, and note what changes, if any, occurred in the police and prison records of these offenses, within a reasonable time after the formation of these preventive associations.

Statistics of Juvenile Crime.

It should be remembered that there are two different records of crime in New York city, which will go to show either its increase or decrease. One is, that of the arrests by the police, and the other, that of the commitments to the city prisons, contained in the reports of the Commissioners of Charities and Correction. These two records do not precisely correspond with one another, as the classification is different, and many persons are arrested who are not imprisoned.

Crimes of Young Girls.

In regarding the special offenses of young girls, vagrancy is the one that includes street-walking, homelessness, and many other habits which lead to public prostitution. We find the arrest of females for

vagrancy to be 2,161 in 1860. In 1871 they were reduced to 495, or a reduction of 1,666 in eleven years. From 1860 to 1870, the population of New York increased from 793,179 to 942,292, an increase of a little more than 20 per cent. If the female vagrants had increased according to population, they would have amounted to 2,700 in 1871. Again: Picking pockets is a crime among girls. The arrests for this offense have fallen from 59, in 1868, to 3 in 1871, the last year to reports of which we have had access.

Petty larceny is also a crime of young girls. The arrests for this offense of females have fallen from 959, in 1860, to 823 in 1871. If the petty female thieves had increased with the population, they would have amounted in 1871 to over 1,100. Of the arrests of girls under fifteen years, we have no record, except from 1860 to 1864. During these four years the arrests diminished from 494 to 400.

If we turn now to the commitments to the city prisons, we find that there were, in 1860, 5,880 female vagrants imprisoned. Had this number increased with population, it would have amounted, in 1870, to 7,056; the number in reality decreased to 671, and the tables show a steady decrease of this crime from that year to the present. The number of young girls committed for petty thieving was, in 1860, 890. Had the offense increased with population the number would have been 1,068 in 1870. In reality it fell to 746, and in 1871 to 521.

Another classification of female offenses is, as "juvenile delinquency." This has decreased from 240, in 1860, to 50 in 1870.

The classification of those imprisoned under fifteen years of age only reaches back to 1862. In that year 373 little girls under that age were imprisoned; in 1871, 259. Of those from fifteen to twenty years, 2,081 were imprisoned in 1862, and in 1870, 1,741; the natural increase would have been nearly 2,500.

The above figures, taken from our most trustworthy records of crime, indicate a diminution of offenses among young girls, such as has scarcely ever been known in the history of preventive measures. An absolute decrease of over 5,000 arrests of female vagrants in ten years is one of the most remarkable and hopeful facts ever presented to the laborers in the field of prevention. If these 5,000 vagrants had been imprisoned for but three months each, the saving brought about by preventive measures would amount to about \$175,000 in one year; the expense of each girl in the city prison being \$141 per annum. But when we think of the vast amount of misery, suffering and crime

prevented by the rescue of these 5,000 girls, we must feel how much is added to human happiness by judicious measures of prevention.

Crimes of Boys.

One of the offenses of boys which these preventive measures tend especially to diminish is vagrancy. Turning to the record of 1860, we find that the arrests of males for that year amount to 1,800. In 1870 they should have been by natural increase 2,160; they were in reality 1,331. Again: Picking pockets is a common offense of boys. The arrests for this have fallen from 407, in 1860, to 313 in 1870, and to 46 in 1871. Petty larceny is one of the common offenses of boys. The arrests for this, in 1860, were 2,987; they should have been in 1871, 3,702; they are in fact 3,171. Here is a small absolute decrease relative to the population.

If we turn now to the records of imprisonments for vagrancy, we find that there were, in 1860, 2,708 commitments of males for this offense. In 1871 there should have been 3,302; there were in fact 1,378. The commitments of males for petty larceny were, in 1860, 2,575. They should have been, in 1871, 3,192; they were in fact 2,241.

The classification of commitments of boys under fifteen years only extends back a few years, but during that period the diminution of offenses is equally encouraging. The commitments fall off from 1,934 in 1865, to 1,371 in 1871, though there should have been an increase during that period of ten per cent. Of males between fifteen and twenty in our city prisons, the number in 1860 was 2,207; in 1870 it is 2,876, or a slight increase over what should be the natural growth of crime.

Analysis of the above Statistics.

In reviewing these remarkable statistics, it will be observed that the arrests of females for vagrancy have been reduced in eleven years over 1,600, while the commitments for this offense have fallen, from 1860 to 1871, more than 5,200.

Again, the arrests for picking pockets by girls have fallen from fifty-nine to three. Petty larcenies have decreased 136 in eleven years, and the commitments for that offense 369.

The commitments for juvenile delinquency, among girls, have fallen off from 240 to 59. Those of girls under fifteen years fell off in nine years 114; those for girls from fifteen to twenty years, in eight years, 340.

The arrests of boys for vagrancy fell off, in ten years, 469 ; those for picking pockets decreased 361.

The arrests of boys for petty larceny increased during 11 years only 184. The imprisonments of boys for vagrancy fell off, in eleven years, 320 ; for petty larceny they decreased 334. The commitments of boys under fifteen years fell off, in six years, 563.

There is nothing to account for the diminution of juvenile crime in the city of New York during these years, except the influence of moral and preventive measures ; for, during that period, a terrible civil war has occurred, with all the necessary evils which follow wars, and several panics and prostrations of business.

There have been in the past eleven years, in this city, times of both great depression and great prosperity ; emigration has poured in its enormous multitude of poor people, leaving the most helpless and vicious to remain in the city ; our indiscriminate charities have drawn in the idle population of the whole country round ; liquor saloons have been almost unrestrained by law ; gambling houses and houses of prostitution have increased to a fearful extent, and yet through all these years, under the wise and persistent measures of preventive charity, juvenile crime is either absolutely diminished, or has failed to keep pace in its advance with the increase of population ; in most cases the former, and that to a large extent.

Preventive Means Employed.

The movements of preventive strategy, if we may so call it, which have brought about these great moral successes in New York, were in the following directions :

1. Education, including industrial training as well as schooling, moral instruction by the fortunate classes of the unfortunate, and, above all, the influences of religion.

2. Shelter, including training in habits of order, punctuality and saving, with provision for the body ; and,

3. Emigration, or the transference of destitute and homeless children to well selected homes.

In 1852 and 1853, a number of new preventive agencies were either founded or enlarged, to deal with the problems of childish poverty and crime in New York. Among them we would specify the Five Points Missions (founded much earlier), the Wilson Industrial School, the Juvenile Asylum, and especially the Children's Aid Society. The Howard Mission was originated at a later date.

In every large city a very considerable number of children are

found whose poverty compels them to be employed a part or the whole of the day in the streets. They have parents or relatives, but these depend on the small earnings which their children pick up by their street trades.

Others, again, run away from their homes, and are habitually vagrant, sleeping occasionally at home, but oftener spending their nights abroad. Still others enjoy the wandering, exciting life of the streets, and cannot bear the restraints of a school, though returning regularly to their families every night. All these street traders, or those necessarily employed at home, or semi-vagrants and truants, are not of the absolutely homeless class. They have a nominal abiding place, and friends who ought to care for them. They form a large and distinct class in every populous city, and from them springs much of the juvenile crime and misery, which is so painful to every humane person. They are not trained in school; they know little of church or religion; they acquire no habits of order, punctuality or industry, except the vagabond industry of a street trade, and they grow up to a large degree vagrants and idlers. It is from this class that so many of the prostitutes come.

The Relations of Crime and Ignorance.

It is undoubtedly true that serious or abnormal crimes are committed by persons of all degrees of education, and that culture is not necessarily a preventive of such acts. But to judge properly of the relation of education to criminality, one must look through large classes of the community, and find how far offenses against property and person are accompanied by ignorance; and whether the criminal class, as a whole, have enjoyed even the ordinary advantages of education. Turning to the most recent reports of criminal statistics at hand—those of the city prisons and Blackwell's Island, for 1871—we find the following proportion between education and criminality: Out of 51,466 prisoners of that year, only 1,150 were well educated; 31,088 could read and write, and 19,160 were almost entirely illiterate. It should be remarked that out of this whole number of prisoners 34,316 were of foreign birth, and a large proportion of the remainder children of foreign parents. When it is stated that 31,088 of the prisoners could read and write, it must be borne in mind that this degree of education is of the most limited kind, and includes such reading and writing as even many children of the street attain. It does not include anything like a thorough primary education. Now it appears that there were in New York

city during that year, 62,238 persons who could not read or write, the population being about one million (942,242). It seems, then, that of the illiterate class of this city, about one in three committed crimes during that year, while of those who could read and write, about one in twenty-seven were guilty of criminal offenses, showing that among the ignorant of this city the chances for crime are about nine times as great as among those with only the advantages of a primary education. If we regard particular wards in New York, we shall find the greatest illiteracy in those where the most crimes are committed. Thus, in the sixth ward, embracing the Five Points and the most notorious dens of crime in the city, one-fifth of the total population—4,962—is given in the census as illiterate; that is, unable to read or write. In the fourth ward, including such streets as Water and Cherry streets, the illiterates number about one-tenth, or 2,332. In the first ward, including the quarter behind Trinity church and near the Battery, the proportion is about one-sixth, or 2,562. In the seventh ward the proportion is more than one-ninth, or 4,832. In turning to reports of arrests, we find the largest number made in the city in the fourth ward, or 6,975; the next largest is the sixth ward, or 5,573; in the seventh ward there were 4,178 arrests, and in the first ward 1,140. In the state of New York about thirty-one per cent. of adult criminals cannot read or write, while of the adult population at large about six per cent. (6.03) are illiterate, or nearly one-third of the crime is committed by six-hundredths of the population. In the reformatories of the country, out of the average number of inmates, 7,963, for 1868, 27 per cent. were wholly illiterate. Turning now to the criminal statistics of the state of Massachusetts, the proportion of criminals in jail who could not read or write was, for a number of years, about 30 per cent., falling, however, in 1868, 1869 and 1871, to 23 per cent. In houses of correction, the proportion, in 1864, of illiterates, was 46 per cent., but in 1869 fell to 41 per cent., and in 1871 to 37 per cent. In the state prison, however, the proportion of illiterates in 1864 was 21 per cent., but in 1871, out of 149 prisoners received into the state prison, 35 were totally illiterate, or about 23 per cent.; the explanation of this low proportion being probably that the cases of extreme crimes, and of crimes of fraud and embezzlement, are found in this prison more than in minor prisons, and such crimes are not usually committed by the ignorant.

There were, in the state of Massachusetts, 4,791 criminals, during the year 1871, who could not read or write; and there were, during

that year, 97,742 illiterates in the state ; that is, among the ignorant population, about one in twenty committed crimes ; while in the state at large, among those who had only a primary education, about one in 126½ committed criminal offenses.

The influence of education, even that received in the simplest primary schools, upon a child of the lower class, is, to cultivate habits of order, punctuality and self-control.

A child is withdrawn from idleness by other interests being offered to its mind than those which surround it in the life on the streets. The mere occupying the time and thoughts of children with subjects of general interest tends to keep them from crime. Even a small acquaintance with geography, or the reading of a book of travels, will sometimes enable or stimulate a poor person to change his locality where he is under temptation or suffering, for some region where he can be placed in better circumstances.

There is, too, running through nearly all school lessons, a recognition, more or less strong, of the great truths of morality. The result of all these, and of other influences, is, that wherever education is diffused abroad, the ratio of crime to population diminishes, and in all countries the criminal class is mainly fed by the ignorant class.

Preventive Measures.

The simple method adopted, through the preventive agencies, of which I have spoken, to bring the street children under education, was the forming of schools adapted for the class. These were called Industrial Schools, in that they trained the street children, especially the little girls, in some trade or industrial pursuit, such as the use of the sewing-machine or hand-sewing. Common school branches were also taught, but a peculiarity of them was that much irregularity and unpunctuality of attendance were permitted as a necessary evil. Many of these schools became in fact "half-time schools." Then food was given, and clothes were earned by good conduct, to enable the poor parents to afford dispensing with the child's labor. Teachers were employed who, by visitation and from their moral enthusiasm, acquired a great influence over these children and their poor parents, and thus preserved them from vagrancy and indulging in their idle habits.

Each industrial school became a mission centre of benevolence and humane kindness among a very destitute class. The street children came to know the teachers and to love the school. Gradu-

ally the little girls (for they were mainly for girls) began to be ashamed of begging and of street occupations.

One especial feature of the schools was the inducing ladies of the fortunate classes to aid in influencing and teaching these children of poverty.

The sympathy of the refined and unselfish elevated these poor young girls, and gave them new ideas of purity and virtue. They soon learned to be neater in person, and they acquired habits of order, punctuality and industry. As their minds grew and new mental interests arose, they had less taste for low pleasures.

Though ninety out of the hundred among them were the children of drunkards, not one in a thousand grew up a drunkard. The higher pleasure banished the appetite for the lower. Though they represented the class which furnished the unhappy multitude of prostitutes, a careful estimate showed that only some five out of each thousand fell into criminal courses as they grew up. It is these agencies, now long tested and well-founded, which have done so much in lessening crime among the female children of the poor, as we have seen in the above tables of criminal offenses.

The Children's Aid Society has now in the city of New York twenty-one industrial schools and fifteen night schools, with an average daily attendance of 3,477, and an aggregate attendance of 9,584.

Other Industrial Schools.

The Home for the Friendless has an average daily attendance of 1,141, and an aggregate of 4,068 ; the Five Points House of Industry, an average of 377 ; the Ladies' Mission in Five Points, 379 ; the Wilson Industrial School, 198.

The whole cost of the schools of the Children's Aid Society, during 1873, was \$68,092, which, divided by the average attendance, would give \$19.57 per capita as the expense of each child for clothing, food, teachers' salaries, fuel, rent, etc. The expense of a girl confined a single year in our city prison is \$141.

We have shown above that these schools and similar agencies have reduced the committals for vagrancy alone by about 5,000 in a single year, viz. : from 5,880, in 1860, to 548 in 1872. That is, an expense for prevention of \$100,000 upon these 5,000 girls has saved \$700,000 annually, supposing that each had been imprisoned for one year. May we not reasonably claim economy as the great argument for prevention ?

Lodging Houses.

It is remarkable in every large city how considerable a number of children have literally no home and lead a life as nomadic as that of the Bedouins of the desert. Some are the children of drunkards, who have driven them from home by their neglect and brutality ; some are the victims of step-parents ; some are sent forth because they cannot be supported ; some are orphans, suddenly cast on the world by the death of their parents ; some are strangers, who have drifted into the city ; and a few are runaways. They soon form the petty thieves, burglars, criminals, and abandoned girls of the city. They are the nucleus of its " dangerous classes." Our method of reaching them is, perhaps, original with the Children's Aid Society. We have opened lodging houses, where each child can get a bed and meals, but is made, if possible, to pay a small sum for them.

Thus no pauperism is cultivated, and the children feel that they are, in the main, self-supporting. Moreover, they are not encouraged to remain in these houses, but are continually placed in branches of industry, and on farms. So important have the little payments of the children become, that in a single lodging house they have amounted to \$5,000 per annum, and in consequence of them no salary of officials has ever been paid by the public in any of these houses, but all by the children. Shelter is not, however, the only object of these institutions. Each child is brought under the influence of regular school instruction and of religious teaching ; he is taught habits of order and cleanliness, and is encouraged to save by the " savings bank " of the house. The society has now four of these lodging houses for boys and one for girls, all managed after a similar plan, and all remarkably successful. They shelter and instruct, in the course of the year, an aggregate of nearly 12,000 different homeless children, or a nightly average of over 400. The net average cost to the public for each child per annum, including all expenses, is \$55.64, or a little over \$1 per week. Each of these children, if confined in prison, would have cost \$141 per annum, and would have come forth doubtless no better, but rather worse, than when he went in.

The prevention costs less than half the punishment.

" Placing Out."

The third of the great methods for prevention employed by the Children's Aid Society, and to a limited degree by other similar charities in the city of New York, has been the transference and plac-

ing out of destitute and homeless children in rural homes. This has been carried out on an enormous scale by this association, it having placed out, during the past twenty-one years, over 20,000 of these children, great numbers of whom have grown up to be respected men and women, and some of them are now filling places of trust and honor. The circumstances favoring this in America are, the great demand for children's labor, the peculiar humanity of the people, and the good social position of the youthful laborer in a farmer's family. All these combine to make a judicious and well-planned system of emigration of children from the city to the country the best possible preventive measure. And though here and there these street children may not at once do well, yet the great popularity of this movement, both in the West and the East, for the past twenty years, and the demand for children's labor from rural districts, beyond all possible supply, show that this preventive effort has been as successful as it falls to the lot of most human efforts of charity to be. The economy, too, of this method of prevention, is a singular argument in its favor. Thus, during the past year (1873) the Children's Aid Society sent to rural homes over 3,000 children, yet the average cost per head, including salaries, railroad fares, clothing and all expenses, was only \$7.16. In prison, these children would have cost \$141 per annum, or about twenty times as much, that is, in their case, prevention was twenty times cheaper than punishment.

Conclusion.

This, then, is the simple moral strategy which has produced such a marked diminution of juvenile crime in New York. It is a movement in the three different lines of—1st, education; 2d, shelter, and 3d, emigration. It is defective in one respect. Were this deficiency filled out, it would bring forth even more glorious victories of humanity. It is not supplemented by law. Were only a simple and stringent act passed compelling every child engaged in a street trade to have a license, which license should be made dependent on his or her attending a "half-time school" (whether public or private), we should at once break up all that remains of juvenile vagrancy, and have a law not too severe nor too onerous on a self-supporting class of children, for courts to execute.

Till this be done we shall never succeed in our struggles with the evils of vagrancy and poverty among boys, to the same extent as among girls. We shall check its natural increase with population, but we shall not show so large an absolute diminution. We earnestly

invoke the aid of this Congress in securing from our legislatures the passage of such an act enforcing half-time schooling on the street children of cities employed in lawful avocations.

For the committee :

C. L. BRACE, *Chairman.*

DR. PEIRCE'S PAPER.

(As reported in the St. Louis Globe.)

The criminals that prove most incorrigible under penitentiary discipline, and are sure to become "revolvers," returning soon after their discharge to their old prison quarters, or being subjected to restraint in some other prison, are those that form what is called the *criminal class*. They make up a large proportion of the occupants of state prisons. Their thorough reformation, if not utterly hopeless, even under the best system of prison discipline, is of such exceptional occurrence as to afford little encouragement in the attempt. These persons are, in some sense, born criminals; and they are certainly, from their birth, nurtured in vice. They are the children of criminal and drunken parents, passing their wretched youth in the lowest streets, and in the most miserable homes in the city. Their parents are often the inmates of prisons. They have been familiar with every form of vice and crime from their infancy. They have been at times juvenile street merchants, bootblacks and newspaper vendors. They were the petty thieves of the docks, entry sneaks, till-tappers, and pickpockets. Their dexterity in these criminal pursuits has been developed under the instruction of their parents or older confederates. They are at an early age hired by maturer criminals, and their thievish work arranged to their hands in accordance with their aptitudes. They snatch goods exposed in the doorways of stores; they quickly appropriate property from express wagons; they become expert in harbor and river thefts; and, changing night into day, they learn to work at their villainous trades while men sleep, and rest while honest persons are at work. These youths have no moral training. This side of their nature is not simply left uncultured in the right way, but it is fearfully perverted. Conscience is trained to give absolutely false decisions. They look upon thieving as their profession, and believe it to be a perfectly legitimate business. When they reach a certain maturity of years, they become the most reckless, the most accomplished, and the most dangerous classes of criminals in the community.

One great desideratum is to break up this criminal class, which thus perpetuates itself, and becomes the dead weight upon our penitentiaries. The other prisoners, sent for single crimes against the person or against property, are really amenable to reformatory agencies, and can be early, and almost surely, by proper measures, safely introduced into society again. By some efficient international legislation and police measures, we must be defended from foreign importations of this class, and then the question of the cure of crime will become one that can be readily compassed, and, to a large extent, happily settled by wisely-arranged and efficiently-executed public and private efforts.

The largest portion of the problem can be the most readily solved—the stopping of the prolific fountain from which the criminal class of the country receives its constant supplies.

A serious obstacle to any thorough work that would make itself positively felt throughout the whole criminal class, is that this preventive and reformatory business has been left too largely to voluntary benevolence, and has been carried on without any general plan. It would be, however, one of the most mischievous acts of government to abate in the slightest measure any of the zeal, or quench any of the enthusiasm, or limit the labors of any of these thousand societies, established for the care of orphaned, ignorant and vicious children. With all the lack of economy about these movements, an untold amount of good has been and is accomplished, both in behalf of the inmates of these institutions and of the managers and workers in them themselves. With all their outlay of money and effort, however, the streets of our cities are full of boys and girls, poisoned by the evil and corrupt communications they receive there, and constantly falling, through this depraving influence, into this terrible criminal class.

To secure any effectual result, the whole movement must be brought under some general municipal or state system. By some thorough plan, embracing every child under a certain age, without interfering with private or sectarian charities, certain positive requisitions as to education, parental care (or its substitute), and industrial training, must be made and enforced. All institutions, open to official supervision and actually securing for children these requisitions as to care and training, should receive a moderate *per capita* assistance from the government, as is now accorded by law in Great Britain. Large provision will still be required, with the force of law superadded also, in order to gather up, as in the instance of the

Scotch city of Aberdeen, all the residue of the neglected children, to bestow upon them an enforced education and an industrial training. This will, doubtless, add considerably to the large sum already devoted to public education, but the whole will fall far below the tax that these neglected children will inevitably levy upon the community, if they are not rescued from their present inevitable destiny. These numerous youthful street merchants, now earning a precarious living, but acquiring a precocious knowledge of vice and crime, who hardly, in any instance, escape, ultimately, arrest and imprisonment, must be brought under some general supervision, be assured an adequate training in the rudiments of knowledge, and be aided to enter into some permanent department of industry. Public industrial institutions must be established where, when out of employment, these and other classes can obtain plain food and limited compensation, and where those exhibiting monomaniacal development of passion or appetite, such as kleptomania, dipsomania, and insane sexual weakness, may be cured.

The great encouraging fact of the hour is the actual history of juvenile reform during the last fifty years. Tens of thousands of youths have been saved by reformatory schools from a criminal life, and multitudes have been inspired to the most manly deeds. Efficient systems have been fairly tried. A voluminous, practical literature has been gathered. The work of exploration and experiment is well nigh exhausted. The field of service is now an open one. There is, indeed, "very much land to be possessed," but we are well able and have the implements to go up and possess it. The hour has come, not to relax our local and private efforts in separate institutions, but to enter vigorously, also, upon state and municipal projects for securing the universal training, and rescuing from ruin all of the youth of the land. If we once cut off the direct sources of supply for the criminal class, the work of penal reform will become a very simple one, and much more limited in the number of its subjects.

6. DISCUSSION ELICITED BY THE TWO FOREGOING REPORTS.

Mr. A. W. Alexander, of Missouri, referring to the paragraph in Mr. Brace's report, which speaks of the importance of finding homes for young offenders, said that he agreed with the views of the report. He looked unfavorably upon the multiplication of institutions for bad boys. He regarded all institutional life as bad, because it is unnatural. God did not make institutions, and the family is the only social aggregation ordained by Him, and that is the best place for a child. The best place for human beings, old or young, and especially the young, is the home.

If institutional life is to be at all commended, it is only to be commended because that which is bad is better than that which is worse. Tear down the house of refuge except for thieves, and those who must have refuge. There are enough willing homes in the state of Missouri to give shelter to five times the number of children who are penned up in the different houses of refuge and orphan asylums in the state. Mr. Alexander received letters every day from good, substantial citizens, asking for a boy or a girl. He believed this was also the case in other states. He hoped for a wiser plan to save those whose only fault is, that they are homeless and alone.

Mr. Bigham, of Pennsylvania, said that there were two legally organized houses of refuge in Pennsylvania, one in Pittsburg, and one in Philadelphia. The latter has been in existence almost fifty years, and consists of three departments—a white male department, a white female department, and a colored department. Half the time is devoted to study, and the other half to work. The institution at Pittsburg has been in existence about twenty-five years. We have concluded there to adopt what is called the family system, and to this end have purchased a large farm near Canonsburgh. These two institutions have probably, together, a thousand inmates. There are also many preventive and reformatory institutions in the state, supported by various religious denominations. We have orphan schools for the children of soldiers that are purely educational, in which Pennsylvania has spent almost \$5,000,000 within the last seven years, according to a pledge given by the government that the children of those who fell in the defense of their country should be educated by the commonwealth.

Mr. Howe, superintendent of the Ohio Reform Farm School, upon request, gave an account of his work. He said: The Ohio Reform Farm School is located on a farm of 1,170 acres, six miles south of Lancaster. The school is upon the open or family system, and now numbers 460 boys. The first ten boys were admitted to the school in January, 1858, since which time 1,900 have been in the institution, and nearly 1,500 of these have been sent away as reformed boys, the great majority of whom have made good citizens, and are doing well in the world.

It has been my pleasure to visit not only most of the reformatory schools of this country, but many similar institutions in Europe, and my belief is, that I have never seen a reformatory where there is so little appearance of prison appliances, and where there is so great freedom extended to the inmates, as at the Ohio school; yet the boys seldom escape. At the present time there are not more than four boys in the school that cannot be trusted to go alone to any part of the farm upon errands, or even to Lancaster with teams or otherwise, to transact any business that may be entrusted to them. It has often been said that our boys cannot be like the boys of other states, and other institutions; in reference to which remark I would say, that for many months, on account of the over-crowded condition of the school, we have been able

to take only the criminal, and not merely the vicious boys of the state ; and many of these are the bad boys of other states, that are convicted for crimes committed while passing through our state. Hence, we feel sure that the average character of our boys, when received, cannot be better than that of the boys of similar institutions in other states.

Our discipline is very mild ; in fact, we govern but little. "Do right" is the leading principle with us, and is about the only rule we have. Corporal punishment has well nigh disappeared, and the use of the "lock-up" is wholly dispensed with. In the early history of the school, it was supposed that some place of confinement would be positively needed ; accordingly a stone lock-up, 16 by 22 feet, was built, in which were several cells. Experience has proved that we can dispense with it, and it is now only used as a meat house. We have found that kindness will accomplish more with these unfortunate boys, and enable us to secure a better and more perfect discipline, than we could secure by any system of walls, bolts and bars. Our success with the older boys of the institution has been such, that we have often felt that criminal men, at least young men, guilty of a first offense, could safely be subjected to the same treatment, with the same or even better results than have been attained at our school. My experience has convinced me that the world "is governed too much," and especially our penal institutions. The prison or reformatory that secures a willing and cheerful obedience to wholesome regulations by kindness as its leading force, will do more for the reformation of its inmates than can be accomplished in any other way. When our friend Mr. Rice, of Maine, said, last night, that there was but "little governing" in his prison, the key-note of his success was struck, and the reason became patent for the efficient discipline maintained in that prison, which has given it a merited celebrity.

Question by a member : "If your boys are so good, why do you hold them there?"

Mr. Howe—Wherever I go I meet young men who have been inmates of our school. Even on my journey to this city, and during my sojourn in it, I have met those who have been in our institution, and they give satisfactory and cheering evidence of being worthy and useful citizens. I therefore hold the boys, to educate, elevate and strengthen them, that they make good citizens.

Question by a member : "What per cent. of your boys do you reform?"

Mr. Howe—I do not think that that question can be correctly answered by any superintendent of a reformatory. Our boys pass away to all parts of the country, and though we try to keep track of them, it is impossible to follow them all. We can only make an approximate estimate, but are confident that at least three-fourths, and probably more, are saved, and several of them have distinguished themselves in the professions. A very few of our boys are to-day in the Ohio penitentiary, and one is in prison in another state ; beyond this we know of none being in prison.

Question by a member : "Will you explain your family system, and how you work and educate your boys?"

Mr. Howe—Our boys are classed in families of fifty each, and each family is a perfect institution of itself, being presided over by a gentleman and his wife, with an assistant teacher, who is generally selected from the graduated boys of the school. Each family building has its school-room, sitting-room, dormitories, wash-room, and officers' rooms ; but the boys of all the families go to the central building to take their meals, where each family has its separate table. It would be more like the natural family to have a less number of boys in each ; but for economy's sake we have pursued the course described, and have found it to work well.

In our labor department, we are largely engaged in horticulture and general fruit growing. A few boys are learning trades. We have found good thorough labor in the field and garden to be better adapted to reformatory purposes than shop labor. Freedom in the open air is more in accordance with boy life than any kind of confine-

ment. All the boys work either upon the farm or in the shops, half of each week day, and attend school the other half. The school sessions, including the recesses, equal five or nearly five hours each day. The schools being graded and presided over by efficient teachers, we feel that the opportunities of the boys for obtaining an education are as good as they would be in any of the district schools of our state. We place much stress upon the educational agencies of the institution, knowing that but little can be done for the moral improvement of the boys, without a comprehensive intellectual development. One fact in their education we aim to keep prominently before them—and that is, their duty to become self-sustaining—producers, and not merely consumers. We also aim to have everything connected with their institutional life as much like "outside" life as is possible, that when they leave us, the transition may be slight, and that they may easily drop into virtuous society, without experiencing any abrupt change.

The results of our treatment upon these unfortunate boys have been very gratifying, and the anticipations of the early friends of the school have been more than realized.

Dr. Canisius, of Illinois, could confirm, from personal observation, all that Mr. Howe had said of his school. One secret of the success in the management of this institution is the influence of woman over the boys. Mrs. Howe, who acts as matron, is a lady of rare intelligence and wisdom. She is a mother to them all, and admirably and most efficiently second the efforts of her husband.

General Minor, of Missouri, was glad to see such a general acquiescence in the conclusion that kindness is the great and true principle in the successful management of prisons and reformatories. This belief seems to be gaining ground, and is stronger now than it was even in Baltimore. Men are only children of a larger growth, and he had never yet seen a child or man so debased, as not to be susceptible to the influence of kind and generous treatment. He believed in the management of adults, as well as juveniles, by kindness, and that the family institution, with love at the bottom, is the true rule.

Mr. Crossman, of the board of managers of the Michigan State Reform School, asked Mr. Johnson, the superintendent, to give some account of that institution, its management, and results.

Mr. Johnson, thus called upon, said that the Michigan Reform School was started, and for many years conducted, on the congregate plan, but five years ago a family house was opened. This was placed outside of the enclosed yard, and has the surroundings of an ordinary farm-house, without walls or bars. The house was designed for the reception and treatment of boys whose good conduct merited confidence and greater liberty. It was a prize to be gained by obedience and attention to duty. The plan had had a marked success, and last fall a second family house was opened for smaller boys, so that, immediately on their reception, they may be placed away from the influence of the older and more vicious lads. These houses are complete in all family arrangements, and the result has been so satisfactory, that if we were starting anew to-day, we would be inclined to arrange the entire establishment on this basis.

In regard to the deportment of the boys in this department, he could not give as good an account as Mr. Howe, of Ohio, had. The boys generally do fairly well, but it is not all sunshine. There is no difficulty in trusting many of them. We always have those who can be trusted anywhere. But boys are changeable, and that from causes for which no management is responsible.

In regard to reformation, the standard must be varied. The lad who has been surrounded with the refining influences of a good home, will show a different result from one whose home influences have been of a debased character. It is true, as Mr. Howe has said, that no one can know definitely the number reformed; but as far

as we can learn results, we would say that seventy per cent. are permanently benefited.

While some of the boys have fallen, others have admirably succeeded, and occupy leading and influential positions in society. One is to-day worth \$70,000, the result of his own honest and unaided efforts. Another is the treasurer of the town in which he lives, and is filling the place nobly.

Professor McCarty, of Iowa, said that the reform school in his state was one of the most recently organized in this country, having been commenced in 1868. It is conducted upon the system of the Ohio Reform School, of which Mr. Howe had given so interesting an account. It was commenced on rented property, and two years ago the then accommodations were found insufficient for our purposes. The city of Eldora offered to the state for the school 440 acres of excellent land, 400 being unbroken prairie. This gift was accepted, and two buildings were erected, one a workshop, and the other a family house. Our boys have been well tested, and show no disposition to run away. A few weeks ago our trustees secured 320 additional acres, making a farm of 760 acres. We have now 170 boys in the school. The girls' department is organized in the southern part of the state, but we expect to have both departments together before long. We are at present cultivating 350 acres of land. Last year we put in 110 acres of wheat, 25 of oats, 140 of corn, and 16 of potatoes, to which must be added 80 acres of garden. We have also planted a large quantity of fruit trees. We have now two family buildings, in each of which there are eighty boys. Our school is doing well. The boys are contented, and are trying to improve and build up good characters, so that they may become industrious and reliable men. With regard to our discipline : When a boy is brought in, he is first sent to the bath-room and thoroughly cleansed, and his clothing changed. Then I sit down with him and learn all I can of his past life and habits. After this I explain to him the rules and regulations of the institution, which are simple and easily observed. He is very distinctly informed that obedience is exacted of all, and must be rendered. This lesson he very soon learns practically, and all the more readily because the work to be done is principally farming and gardening.

Mr. Griffith, of Maryland, gave an interesting account of the reformatory institutions of his state. He described the colored reform school, recently opened near Baltimore, and showed that it was already doing an excellent work for the children of the lately emancipated slaves, who were peculiarly exposed to be led into a criminal course. In the reform school for white boys, there are about three hundred inmates. Every appliance is used to produce a moral reformation in them, which is accomplished in a large majority of cases. There is no regular chaplain. Voluntary religious instruction is given, chiefly in the Sabbath school. There is, however, a preaching service every Sabbath afternoon, conducted by ministers of different denominations from the city. There is also an excellent reform school for children of both sexes, under the management of the Catholics. A Sunday school paper is regularly published by the inmates of this school, which has quite a large circulation.

Mr. Fulton, of New York, spoke of the Western House of Refuge, at Rochester, of which he is superintendent. He said that he rather liked the family plan, though he had never seen it applied. He had formed an ideal for such a school in his own mind. He would have only ten or fifteen boys in each family. At the head of each family he would have a practical man, educated to the business of taking care of boys, with a wife equally adapted to the work. He would have a tailor's shop, where the boys could learn to make a good garment ; a blacksmith's shop, where they could learn to shoe a horse ; a shoemaker's shop, a carpenter's shop, etc. But he had concluded it would be very difficult to find for each family a man and wife both qualified for this work, and had become convinced that he must abandon his ideal as impracticable.

We govern our boys in the Western House of Refuge by a system of promotion

and rewards. Our sentences are during minority. We receive boys from seven to sixteen years of age, and they remain subject to our authority during minority. Our daily routine of management is about this: In the morning at five o'clock the bell rings, and the boys rise, make their beds, go to the bath-room, and wash. In fifteen minutes they march to the school-room, and remain there engaged in study and recitation until seven o'clock, when they get their breakfast, after which they have a little time to play. At eight they go to the workshops, and labor till ten and a half, when they have a recess of ten to fifteen minutes, after which they return and work until twelve o'clock.

They then go to the bath-room, and, after washing, are marched to the dining-room. Having eaten dinner, they have another season of play until one o'clock. Then they return to the shops, work until two and a half, have a recess of ten minutes, and go back to their work until four o'clock, at which time they are dismissed for play till supper time; at twenty minutes to eight they go to bed. We provide balls, marbles, quoits, etc., for summer amusements, and in winter sleds and skates.

The boys are taught the trades of chairmaking and shoemaking; and we seek in every way—by school instruction, by moral and religious culture, by industrial training, and by trying to impart both the habit and the love of work—to win our boys from evil courses, and make of them honest, industrious, useful citizens.

Mr. Waterton, of Ohio, superintendent of the Cleveland Industrial School, said that though he was born in England, he was a true American. He advocated the saving of the little ones. If the blossoms were well cared for, the full-grown fruit would be healthy. If the country had more *form*-atories, and fewer *re*-formatories, he thought it would be better. If half the money, with the spirit of Dr. Wines and the experience and wisdom of the chairman, was spent on saving children, that is now spent on the reformatory and the prison, these latter institutions would be in the shade. In the city of Cleveland there had been a ragged school. It died after giving birth to the industrial school. This school soon had pupils without a Home; but God worked on the minds of good men and women, and a Home was provided. Both boys and girls are received. The institution is governed, as nearly as may be, like a large family; and the religion which can be spelled in four letters—L O V E—is taught. The first step is to gain the confidence of the children; the rest is easy. In seventeen years over 5,000 children have been received; of whom a large part have been placed in good families. Everything has been paid for by voluntary donation. All belongs to the Lord, and cannot be sold; so that the poor and destitute children of Cleveland have an entailed estate, valued at a large sum, which cannot be taken from them.

Rev. Marcus Ames, of Massachusetts, thought the great question was, how to keep down the vicious class in our cities. How can the fountain be dried up? We must consider both preventive and reformatory measures. While we should govern in love and kindness, we must not say that this work is an easy one. Our love must suffer long. You will not secure ripened fruits at once. He believed in industrial education and in religion; but these will not produce the harvest in a month or a year; and this idea should be impressed upon all, that they may not be discouraged. Love will sometimes manifest itself in restraint and deprivation. He believed that a large percentage of the vicious class could be saved. These individuals must be arrested and restrained at an earlier age. He spoke of the girls' institution at Lancaster, Mass., of which he is superintendent, and which is conducted purely upon the family system. They have there five houses, with thirty girls in each. There were three ladies in each house; the mother of the household as the chief matron, the assistant matron, and the housekeeper, who instructs in her department. Half of the time is spent in the school-room. Industrial labor should be insisted upon. Secular education is important also. But if you unite both these, and carry them to any degree, you will not secure your end until you include religion.

Mr. Ames said that they had no difficulty in providing places for their girls; for they had more applications than they could meet.

Dr. Wines, of New York, said that he had received a communication from Mr. M. C. Spaulding, of Chicago, relating to the question now under discussion, which he would ask leave to read. Mr. Spaulding proposed the incorporation of the reform school system into that of our graded public schools. He said:

"Prevention of crime is less expensive and better than its cure. Next to the preventive power of good family government, crime receives its greatest check in our public schools. But in every public school there are always some scholars whose irrepressible mischievousness or vice are the annoyance and retardation of the school, no less than the perpetual vexation of the teacher. To this class of incorrigibles the ordinary restraints and punishments of the school-room have no terror, since force is the only master which they thoroughly respect. Their presence is a constant menace to the order and progress of the school, which receives, in a degree, the same detriment which befalls society when notorious criminals are suffered to run at large. For does not the youthful but vicious disturber of a school become, as a man, the talented but vicious disturber of society? Public schools, as now constituted, are inadequate to this work of reforming vicious youths. The law permits the promiscuous attendance of good and bad, and yet withholds from the teacher the power of enforcing perfect discipline. When that disciplinary limit has been reached, and the teacher has exhausted his remedies, the only alternative left is to allow the offender to remain and poison the atmosphere of the school, or to dismiss him—an act of abandonment which consigns the boy to the worst influences of the street—that common school of idleness and vice, where so many youthful villains get their first, if not their last, lessons. Here, it seems to me, is one great defect of our public school system, which, after having undertaken to educate a youth, and finding him somewhat unruly, confesses its weakness and inability by turning him into the street, with the certainty of his becoming worse and worse, if not wholly lost. Is it any wonder that recruits keep pouring into the ranks of crime, when that which should be the chief instrumentality of reform confesses its helplessness, abandons its work, and casts off the juvenile offender as a culprit, to finish his education in the street? For this class of scholars there should be provided, it seems to me, in every large city and county, one or more reform schools, as adjuncts of the regular school system; reform schools where unruly scholars, sent from the various tributary schools, may be subjected to more rigid discipline than is attainable or desirable in the other schools. Let the instruction be somewhat military in its character, in order to subject the mind through the body, to a recognition of law. Step by step the scholar might ascend by easy mental grades. Discipline should be the chief object of these schools, even at the temporary sacrifice of mental progress. Their quasi-military character, with the attraction of a gymnasium, would take away the odium which sometimes attaches to the best reform schools. After a period of probation, the scholars could be returned, on good behavior, to their respective schools.

"The reform school system, as here imperfectly sketched, has, as you will readily perceive, a very important bearing upon the manufacture of juvenile criminals. It singles out and removes from our public schools the most obnoxious element, that vicious example so contagious and hurtful, and places it by itself, subject to special discipline and instruction. The youths, now cast adrift for want of adequate correctives, would thus be gathered from the slums, and disciplined into orderly and useful members of society. The importance of compulsory education, in this view, as a preventive of crime, cannot be over-estimated. A law that will gather the children from the streets, and place the good in the public school, and the bad into some probationary reformatory, is of far more importance to this generation than a new currency bill. Instead of more jails, each county needs one or two good reform schools, where

youths, taken from the street or under sentence, may be sent and taught some useful trade."

Dr. Wines said that he had also received from the Rev. W. G. Taylor, superintendent of the Phillipsburgh Soldiers' Orphan School, Beaver county, Pa., a letter giving some account of his work there and its results, which had a direct bearing on the question at this moment before the Congress, so far as it relates to work intended to be preventive of crime. Mr. Taylor would have been here in person but for an order from the Governor of Pennsylvania, to appear at Harrisburg, with the children under his care contemporaneously with this meeting at St. Louis. He has, therefore, sent this communication, in which he says:

"I have for eight years had charge of this institution, which receives the children of the Pennsylvania soldiers, who lost their lives in the late war. We take children of both sexes, from eight to sixteen years of age, for instruction and industrial training. We have discharged 160 boys and girls, and only three of that number have turned out badly; all the rest are earning an honest and honorable livelihood, and are respectable members of society. Two-thirds of the girls leaving the institution are members of the church, and give good evidence of a change of heart. Yet all were the children of the poor—of soldiers whose widows were unable to take care of them. Some of the boys and a few of the girls were beyond the control of their mothers and guardians; and in some instances the worst have turned out the best, and become the most successful in life. We receive these children into *our family*, and give them the same care that we have given to our own children. Our two principal rules are, obedience and industry. Our endeavor is to educate the body, the mind, the heart, the conscience and the taste. The discipline varies with the character, temperament, intelligence and other special qualities or temptations of the child. We have no walls, locks or bars to keep the children in. Moral forces, rightly applied, have been found all-sufficient."

Mr. Taylor, in his communication, goes into a lengthened detail of the physical, industrial, intellectual, social and religious agencies employed in the management of his institution. His work appears to be both sensible and thorough, and seems fully justified by the results which it has yielded.

Mr. Parks, of Illinois, president of the board of managers of the State Reform School at Pontiac, said that they had not anywhere in the state what could properly be called a reformatory. The institution at Pontiac was opened for inmates in 1871, and they had now in it 197 children. He believed all that had been said in regard to the power of kindness and love, but there were needed also firmness and decision. While he did not like bodily punishment, discipline must be maintained.

General Bane, of Illinois, held that education, in its broadest sense, would prove the most effective means of preventing crime. By broadest sense, he meant industrial as well as intellectual education. There is a tendency to cram children with mere book-learning. They go to school from seven to sixteen years of age, and at the end of that time they have not sufficient practical knowledge to drive a nail properly. They are not taught how to make a living and avoid poverty and vagrancy. Our children should be taught practical mechanics in the public schools, and in this we should have the assistance of the state.

Mr. Wm. Reynolds, of Illinois, said that one important attribute of a good citizen is industry. But we ought to teach the children what will be of use to them. In many of our reformatory institutions, we teach boys that which will not be remunerative to them when they are set at liberty. This is a great injustice. They have a right to an education that will enable them to earn a living.

He was in favor of reforming and not making criminals. In our institution at Pontiac, we carry on shoe-making and brush-making, and, as soon as the legislature gives us the means, we will put up workshops for carpentry, cabinet-making, blacksmithing

and other handicrafts. We have 300 acres of land in connection with our institution, and propose to carry on farming in all its branches.

As regards discipline, moral suasion will not always do; severe treatment must sometimes be resorted to. When I was a boy, I went to hear a lecture intended to show that boys ought not be whipped. I got father to go, and after it was done I asked him what he thought of it, and he said: "It might do for some boys, but it would not do for you."

He said they would not long have any inmates in their institution if they trusted to moral suasion as Mr. Howe did. They fed the boys better than they were fed in Chicago, and still they want to get back to Chicago, and with all our moral suasion we fail to keep them in the institution.

God works by love, and draws us and wins us through Christ; but Paul said that he had to persuade some men by "the terrors of the law."

Mr. Gibbs, of Wisconsin, president of the reform school board, said that they had endeavored to profit by the experience of other states. Their legislature had been generous in appropriations, and to-day the citizens of the state were proud of their institution. The school is conducted upon the family system. There are seven families and forty members in each. Each family is distinct and separate, having a reading-room, bath-room, school-room, and play-ground of its own.

When a boy comes to us, we find out what his history has been, and what his domestic relations were. We first cleanse him outside, in the hope of afterwards cleansing him inside. We try to make useful, industrious, upright men of our boys. But we have no rose-colored account of success to give. We seek to give our boys such an education, moral, mental and industrial, as will fit them for any of the ordinary employments of life; and we are fairly successful in that endeavor. Most of our boys have done well.

Dr. J. R. Buchanan, of Kentucky, commended the suggestions of General Bane, and urged the importance of industrial education for the whole people. The whole business of life, the sum and substance of its duties, is found in useful production. If we but support ourselves, we are merely honest, and our life is negative in its results; if we do not, we burden others; the result of our life is a minus quantity, and the world would have been better without us. If we produce more than our own support, we may sustain or benefit wife, children, friends, country, and mankind; there will be something to our credit at the final judgment. Education should rear us under the ever-present sense of this great responsibility. It should not keep us ten or fifteen years sailing in the opposite direction from the real voyage of life, training us to feel no responsibility, to scorn industry, and to consider the reading of text books at our desk the noblest occupation.

Education should not turn out the pupil a helpless pedant, but should fit him for success in his chosen pursuit. It should double his efficiency as a man; double the value of his services. Young America demands the right to labor; it is a cruel wrong to refuse that demand (when it is so easy and so profitable to grant it), and thus condemn millions to the hopeless drudgery of unskilled labor, from which not one in a hundred can ever rise. The industrial arts are now practically forbidden to millions, and yet they are easier of acquisition than any branch of literary education. One month, on an average, will be enough to impart a knowledge of one useful art. In the art of printing, with which he was familiar, everything known to the most skillful could be fully explained and illustrated in one day; in the succeeding five days of the week there would be but repetition and practice, making the knowledge perfect and familiar; a month would make an expert by practice, and thereafter skill and rapidity would increase, but the knowledge would be perfectly acquired in the first month. Many pursuits are more complex than printing (agriculture might require twelve months), but many also are less so. Certainly, one might learn to make boots in a

week, and we may estimate from one to two months on an average, as amply enough to master an industrial art, when it is intelligently and systematically taught. Instead of being absorbed without instruction by a tedious apprenticeship and a Chinese imitation.

Such an industrial education, if it occupied one or two hours daily, or one day a week, would impart two or three useful occupations every year. It would interest the pupils; it would make them skillful producers; it would make industry honorable and popular; it would solve the great labor problem, which continually threatens the peace of society. While our youth are deprived of industrial skill, driven away from the shops and forced into the crowded, crushing ranks of unskilled labor, they are kept on the verge of pauperism and starvation by the iron pressure of competition. The English laborer of to-day, while the productive power of industry is quadrupled, has perhaps even less physical comfort than his laboring ancestors four hundred years ago. We must solve this problem, and it can be done only by industrial education, which will double the productive power of our country, by making all labor skilled labor; we will terminate at once the crushing competition of the unskilled, and will remove that wretched, hopeless poverty, which is the chief source of demoralization, intemperance and crime.

There will be no paupers, and no multitudes thrown out of employment by commercial embarrassments, when every man is the skillful and enlightened master of several occupations, and the entire population are steadily, skillfully and profitably employed. The chief sources of crime will then be dried up by universal industrial education.

Mr. Coffin, of Indiana, president of the board of directors of the House of Refuge, thought there were a good many obstacles in the way of the success of the family system. He thought the family was usually too large, and, therefore, not a natural family. Another difficulty is to procure suitable men as subordinate officers. Sometimes we can procure a suitable man, but not a suitable man and wife. Rarely do two individuals combine the necessary qualifications. It is difficult to teach various trades, as a skilled man in each of these trades would be necessary to act as teacher. His institution thought the best plan was to teach the boys good habits of morality and industry, and to find suitable places for them after they are discharged. They were only taught trades to a limited extent. They had not yet found any reversal of the old doctrine, that the "heart of man is deceitful above all things, and desperately wicked;" so that we are sometimes obliged to use some kind of force to secure obedience to wholesome laws.

Dr. Wines, of New York, said that the special question at this moment before the Congress touched the very heart of the problem, which it was the main business of the National Prison Association to study and, if possible, to solve, viz., how to minimize crime, how to bring it down to its narrowest limits? This general problem branches out into two distinct questions; one of prevention, the other of cure—both important, but the first much the most so, though hitherto it has received by far the least attention. There is something to be done, better than to punish criminals, better even than to reform them. It is to prevent crime, to save from an actual plunge the multitude of children who, from the circumstances of their birth or early surroundings, are in imminent danger of being precipitated into that fearful gulf.

The census of 1870 makes it evident that there are in the United States from a half million to a million of children and youths, between the ages of ten and twenty years, who are unable either to read or write. This immense army of neglected children (as Mr. Harrison, president of the Board of Public Charities of Pennsylvania, has well said), growing up in ignorance and idleness, and destined not only to increase our taxes, endanger our property, crowd the docks of our courts, and fill our penitentiaries; but also to exercise with us and over us the elective franchise, marching up to the polls in added thousands of fresh recruits every year, constituting, to-day,

one of the greatest, if not positively the greatest, of the perils to which our free institutions are exposed.

Our common school system, as at present organized, cannot reach and remedy this evil. By the neglected children referred to are meant, not only those who lose the benefit of the public schools, by the indifference or wilfulness of parents, but those also (by far the greater number), who are deprived of these advantages from lack of any and all parental guardianship. Their vagrant life, their want of the means of subsistence, their ragged and filthy condition, and their depraved and incorrigible habits, render them unfit to be received at school with other children.

The education of this class of juveniles could not be secured by any law of compulsory attendance at school, merely; but means must be provided to supply them, to a less or greater extent, with food, clothing, and domestic care, while they are receiving their education. If compulsion is needed for others, charity is needed for these, in addition to compulsion. However free and sufficient our public schools may be for all, these children will still remain outside. The system, therefore, obviously needs to be supplemented in some form; and there is probably none better than that of a class of institutions which have received the name of industrial schools.

Of these establishments, Great Britain furnishes, upon the whole, the best model, of which I have any knowledge. The system there pursued is, in brief, this: The state has enacted a general law, authorizing private citizens to found industrial and reformatory schools whenever and wherever such institutions may, in their judgment, be needed. When an establishment of this kind is ready for occupancy, it must (such is the requisition of law) be examined and certified, by a duly authorized government inspector, as a place suitable—that is, having all the necessary buildings, grounds, and appliances—for the purpose. Thereupon the state issues a certificate to that effect, and guarantees a certain moderate sum to be paid to it weekly, for each inmate received and cared for. The industrial school is of a preventive, the reformatory school of a curative, character; and, together, they cover the whole field of delinquent juvenile treatment. It is easy to see what a stimulus such an act must be to private initiative; and, in point of fact, it has dotted the United Kingdom all over with preventive and reformatory institutions, in which both elementary and industrial instruction is given, and the moral and religious needs of the children are carefully provided for, without any jar to sectarian or denominational prejudices.

A remarkable fact in the history of this work, in England, is, that while the number of reformatory schools has remained stationary at, I think, sixty-five during the last ten years, the number of industrial schools has more than doubled in that time, increasing from fifty to over a hundred. This shows that the multiplication of preventive agencies does away, in some degree, with the necessity for those of a reformatory character, to say nothing of jails and penitentiaries.

The system of industrial schools has been in operation, in Great Britain, for about fifteen years; that is to say, the system as now established by law, for that of day industrial feeding schools was commenced by Sheriff Watson, in Aberdeen, Scotland, to whose genius and humanity the original conception is due, as far back as the year 1840 or 1841. The results of this system of preventive institutions have been most encouraging. In some localities—Aberdeenshire, for example—it has cut up juvenile vagrancy by the roots, and well nigh annihilated juvenile crime; and, everywhere, it has changed the character of youthful criminality, bringing it down to a milder type, and breaking up those combinations of youthful thieves, which had previously been such a menace and peril to society. It is a question, in Great Britain, whether the children, gathered into the industrial schools, should receive only food and instruction, or clothes, lodging, and domestic guardianship as well. Scotland favors the former of these plans, while England gives her preference to the latter.

A system of industrial schools, similar to the one thus briefly, and all too imper-

fectly, sketched—whether of the Scotch or English type, or combining both plans by the adoption of the one or the other, according to circumstances—might, I think, with perhaps some necessary modifications, be advantageously introduced among us. The union of private initiative with public aid, in this work of saving neglected and imperiled children, seems a happy conception; one, too, which may be readily applied in practice, and has been, and is likely to be, fruitful in the best results.

The prevention of crime rather than the moral cure of those who have been guilty of it—important as this last is, beyond all question—is the supreme object of our studies and labors. And such prevention, whether in the case of children or adults, is to be mainly effected in three ways: 1. By a higher development of the moral sentiments, through a better and more effective moral and religious instruction and culture. 2. By the removal and suppression, as far as possible, of the exciting causes of crime, such as pauperism, misery, luxury, intemperance, and the contagion of evil passions. 3. By direct measures to hinder the commission of crime through the agency of an honest and active police.

7. REPORT OF THE STANDING COMMITTEE ON POLICE.

The Standing Committee on Police respectfully submit the following as their annual Report :

The subject of the present paper is the definition and sphere of the police power. Our plan will be to consider, *first*, the police power of a society or state—what it means and has been taken to mean ; *secondly*, the place which this power takes among the departments of administration ; and, *thirdly*, some points touching the magistrates and officials to whom it is intrusted.

We will first inquire into the meaning which has been attached to the word police, or to the state's police power.

The word itself is directly from the Greek *politeia*, which denotes, first, *citizenship*, or the being a member of a political community ; then the *constitution* ; then the *administration* of such a community.

Thus we reach what may be called state policy, and, in a narrower sense, that part of the internal administration which is concerned with public welfare.

But what sense has been given to the word police by political writers of various nationalities ? If we begin with those who belong to our English race, we shall find, we think, little to bring away after our researches. We shall be reminded of Guizot's remark, that the extreme good sense and practical wisdom in government of this race is not nearly equaled by their scientific skill. Few races in modern times have done so little for political philosophy ; none so much for liberty, united with order.

Blackstone, after noticing offenses against the public peace and public trade, passes on to those against the public health, and the public police or economy. By the public police or economy he means—to use his own words—“ the due regulation and domestic order of the kingdom, whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood, and good manners, and to be decent, industrious, and inoffensive in their respective stations. This head of offenses must therefore be very miscellaneous, as it comprises all such crimes as especially affect public society, and are not comprehended under any of the four

preceding species" (namely, under crimes against public justice, peace, trade, and health). The offenses which he names show how very miscellaneous and how illogical this division is. They are, clandestine marriage, bigamy and polygamy, vagabondage of soldiers, gypsies and beggars, common nuisances of sundry sorts, as alehouses, lotteries, fireworks and common scolds, luxury, gaming and poaching.

The definition would include almost every violation of good manners, and would seem to point at a petty class of offenses; yet among them are included such very serious violations of family rights, as bigamy and polygamy, which seem altogether out of place.

Nor is it fortunate that Blackstone chooses the analogy of a well-governed family. Between the administration of a family and that of a state there is a wide interval. A petty state, on a few square miles of territory, can be governed like a family, especially if the relations of life are simple. Much blame has been cast upon the early New England colonies for legislation in matters which no tyrant, the master of a populous city, could have enforced. But among them, as in the earlier days of Rome and of a Swiss canton, the state was more similar to the household in several respects than it was to a wide-spreading nation.

Nor are other English definitions which have fallen under our eye more satisfactory. Thus, one of them makes police to be the due regulation and domestic order of a kingdom; the term being more generally applied to the internal regulations of large cities and towns.

Another describes the police as the department of government which has to do with the safety, peace and convenience of the community. Its primary object is the prevention of crime and the pursuit of offenders. Besides this it embraces other purposes, as the suppression of mendicancy, the preservation of order in great thoroughfares, removal of obstructions and nuisances, with the enforcing of those local and general laws which relate to the public health and comfort.

In this definition, which comes nearer to the truth than the others, there is a confusion of the offices of justice and of police power, which ought to be kept distinct.

Let us next inquire what view the French take of the police power in their theory of government. Here we will confine ourselves to two authorities, of which the first shall be the "*Codes des Délits et des Peines du 3 Brumaire, an 4,*" *i. e.*, of October 25, 1795.

“Article 16. Police is instituted to maintain public order, and the liberty, property, and safety of individuals.

“Article 17. Its principle character is vigilance. Society considered in mass is the object of its solitudes.

“Article 18. It is divided into administrative and judiciary police.

“Article 19. Administrative police has for its object the maintenance of public order in every place and in every part of the general administration. It tends principally to prevent delicts (or misdemeanors).

“Article 20. Judiciary police searches out delicts which the administration has not been able to prevent, collects the proofs, and hands over the authors to the tribunal to be punished.”

The weak points of this definition are obvious. (1) It says that society, considered *in mass*, is the object of its solitudes, and yet that it is instituted, among other things, to maintain the liberty, property, and safety of individuals. (2) The judiciary police, of which it speaks, is nothing but a part of justice—which is another branch of administration according to the continental view, or a distinct function of government according to the English view. The officers who collect the proofs and hand over the authors of delicts to the tribunals to be punished, are surely as much officers of justice as is the prosecuting attorney, or the grand jury.

The other source from which we derive light as to what the French intend by police power, is an article in Maurice Block's “Dictionnaire de l'Administration Française.” Here it is said that “police is that part of the public power which is charged with protecting persons and things against all the evils that human prudence can prevent, or at least diminish in their effects. To maintain public order, to protect individual liberty and property, to watch over morals, to secure public health—such are the principal objects confided to the care of the police.”

After a remark that, in view of the infinite variety of circumstances in which the public is called upon to act, the legislator has abstained from precise details, the author of the article says that the police has need of liberty of action; that attacks on the welfare of society, etc., are often so sudden and unforeseen, that government or its agents ought to be invested with the power of doing as the exigence of the case demands, “and that, too, without finding themselves impeded by the stipulations of private persons, or by anterior decisions.” “The appropriate acts of the police have nothing in them

settled nor irrevocable. The measure taken to-day can be changed to-morrow for a different one, provided the latter has for its reason the public interest."

To show how wide the sphere of the police power is thought to extend in modern France, we give the subdivisions of its agency which follow directly after the words already cited.

1. Political police, which relates to placards, associations, tumultuous assemblages, conspiracies, *émeutes*, public violence, printing and book-selling, etc.

2. Police relating to worship.

3. That relating to morals: as drinking-shops, debauch or drunkenness, gambling, women of ill-fame, foundlings, mendicity, theatres, etc.

4. Sanitary police, over cemeteries, mineral waters, epidemics, unhealthy establishments, public hygiene, exercise of the medical profession, *sânitary régime*, secret remedies (of druggists, etc.), poisons, etc.

5. Police of personal security, over arms, *gendarmérie*, or armed or soldier police, passports, etc.

6. Police of subsistence, over butchers, bakers, cereals, fairs and markets, price-courants of grains (*mercuriales*), articles of subsistence, etc.

7. Rural and forest police, that over diseases and epidemics of animals, forests, drainage, "*gardes champêtre et particuliere*," etc.

8. Industrial and commercial police has to do with exchangers, apprenticeship, insurance, banks, the bourse, patients, quarries, mines, steam-engines, weights and measures, anonymous societies, tontines, race-ways, agents, auctioneers, etc.

9. Police of "*voirie*" or travel, as over steamboats, railroads, the course of navigable waters, etc.

10. Judiciary police, to call forth or facilitate the repression of infractions of order, etc.

It will be perceived, on comparing these two definitions—the one pertaining to the revolutionary times, the other to those of the late empire,—that French views of what a state's police power consists in have changed considerably. In the earlier times it is looked at as a power to prevent and repress; in the later it has become positive and preventive, and in its sphere it embraces a large part of the interests of society.*

* It is to be remarked, however, that in the time of Louis XIV the term police had as extensive a sense as that given to it in Block's Dictionary. A writer on police of the year 1705, as

The French criminal courts, taking notice of offenses, show by their names the importance there attached to police power. We have, (1) courts of assize, with a more formal process, having cognizance of *crimes*; (2) tribunals of *correctional police*, having *delicts* or misdemeanors for their object; and (3) tribunals of *simple police*, before which come minor transgressions, called *contraventions* by the French.

Still more important is it to find out what views the Germans take of the police power. The literature of this nation touching this function of a state and of a government is very copious. We have examined with care a number of writers, amongst others, of Stahl, lately minister of state in Prussia, now deceased, and of Von Mohl and Bluntschli, the most distinguished, perhaps, of living political writers in that country. Von Mohl, especially, has given his theory of police power on several occasions, both in more general works on the science of government, and in two treatises specially devoted to this point, the one of which is entitled, "Polizeiwissenschaft," or the science of police, and the other, "System of Preventive Justice, or Judicial Police." We offer a very brief exposition of what seems to us to be the general stream of German doctrine in regard to this topic.

This doctrine may receive illustration from the distribution of administrative power, made, by many of these writers, into military, financial, and judicial police. The first two divisions of administration directly affect the state itself. Their object is to supply and regulate those means by which the state can preserve its existence, and promote the ends at which it aims. The judicial department of administration relates to or has to do with individuals. Its activity begins when some alleged violation of right is brought to its notice, or when some crime is charged against an individual, and steps are taken for his trial. In other words, a complaint against an individual by another, or by the state, is the form which justice adopts to restore injured law and order.

But there are very extensive and manifold interests of man in society with which neither of these departments has any concern, and which may be included under the term *public welfare*. The *police department* of administration is co-extensive with the public

there cited, thus expresses himself in regard to the object of the police: "The police, as we think, is then wholly contained in these eleven parts: . . . religion, the discipline of manners, health, provisions, public tranquillity and safety, travel, the sciences and liberal arts, commerce, manufactures and the mechanical arts, domestic servants, operatives, and the poor."

welfare. The rights of individuals and the rights of government against individuals, when drawn into question, fall to the office of the judiciary department. The interests of individuals and of society are under the guardianship of the *police* department. Police is another name for care of public welfare.

To make these abstract statements more plain, let us reflect that there are many things which individuals cannot do, each acting for himself, but which united action can accomplish. Thus, it is the desire of many persons in a year to cross a certain river, and but few of them can do so by the simple act of swimming. In a rude society it would not be felt to be a great hardship to swim the stream, because there is little intercourse. But as soon as numbers wish to cross in a day, either a person living near the ferry will build and use a ferry-boat, or society—that is, either the community around the stream, or what we call the state—will set up a better ferry-boat, having something of a public character and responsibility; or, in the end, a bridge will be built, which belongs to the public, or which private persons are allowed to build at their own cost. And so again a town, compact and large, has grown up on a highway of commerce. There are swamps around it, but no drainage and sewerage within, and malaria exists. No single person can prevent the evil; no separate action of many individuals can prevent it. It needs the joint action of a community to effect objects like this, whether of the state as a whole, or of the town as a smaller whole. It may be in such cases that some individuals do not or cannot receive any benefit from such action of a community; as a man may have no children to send to the public school, or no occasion to make use of a highway which the county has constructed. But the community acts for all, without reference to particular cases. A state or town is made up of persons, and is also a whole. As made up of persons, it responds to the demands of justice. As a whole, having general interests, it promotes the general welfare. This is its police or policy power.

There is, however, one important point, as to which the best German writers on public law are not agreed. Mr. Von Mohl separates preventive justice, so called, from the police power, in his classification, and arranges it under the head of justice proper. Now preventive justice denotes the state agency which prevents infractions of the rights of individuals, or it may be of the rights of the state. A watchman or police officer who prevents theft, or burglary, or arson, or makes the streets safe by night, is a minister of justice;

and, singularly enough, the very men who, in our English parlance, are called the police, would be denied by this very eminent writer to have anything to do with the police function of the government. For this he is blamed by Stahl, and we think justly. Let all crime be prevented, and the judiciary department would have nothing to do. The police, as we call them, no doubt materially lessen the business of courts, and would seem to belong to another class of officials. Only when wrong is done does justice begin to act. If anything can be called an office of police, as it seems to us, prevention of injuries to individuals can; and we shall see, perhaps, that this is in fact the principal police function.

We only add that the limits within which the state ought to promote the public welfare, or exercise this police power, are the following: *First*, the rights of individuals must not be sacrificed. *Next*, nothing immoral can be done under the plea of the public good. *Again*, nothing should be done by the state which the individual can do for himself; nothing is within the province of the state as a whole, which is local, and which a locality can do for itself as well or better. These last limitations are of the greatest importance; they characterize a free people in contrast with one which is under the tutelage of the government, whose maxim is, everything for the people and nothing by the people; they characterize also a people through whose veins runs the spirit of self-government, in contrast with another whose power and state action are concentrated in a general administration. But *this* is true: that all states in a time of advanced civilization, in some way, by action of a central power or of power diffused, or by encouraging individual action, or in more than one of these methods, do strive to promote the general welfare. Free states differ not so much from despotic in leaving many things to individuals and letting the general welfare take care of itself, as in so dividing and diffusing power that all feel themselves active members of the state, and that there are throughout the system checks against both apathy and usurpation.

But we may concede that the furtherance of what is called the general welfare, is of vast importance, and calls for some kind of action under the organization of the state, and yet may inquire whether these forms of administration *ought to be classified together, and to be called by one common name.*

As for the name, we may confidently say that, within the English-speaking race, police is an odious term, and will not be readily used to comprehend all the protection which the state affords to the public

welfare. It is odious for a reason honorable to the race—to its love of individual rights, and to its demand of guarantees against the possible tyranny of the government. The word police has been too much associated with attempts of states to defend themselves against discontented subjects, with spies, visitation of houses, and the breaking open of letters, with annoyances fit only for a nation of children or of enemies, to be accepted as a term for one of the departments of government. Better would it be to call such a department by the name of public economy, which conveys no bad sense to English ears, and is otherwise unobjectionable.

But there are serious objections against grouping together all these forms of state action, included under the head of public welfare, as one department. The first objection is, that some of them are small in compass, others are vast, and some of the latter so vast as to form in the practice of states, departments by themselves. Examples will be supplied by the postal system, and by education. The postal system increases with the cheapness of postage, and with the enlargement of business, and acquires a new importance if the state owns public post-roads, or railroads, and public telegraphs. It has its deputies in every village—a vast army of officers, responsible and needing supervision. It is easy to see that such an agency may be regarded by the practical wisdom of society as forming a special branch of government by itself. So of education. A general school system—especially if it include, as is the case on the continent of Europe, all higher instruction at the university, and at various special schools—is a vast collection of working powers that need to constitute a special department, separated from all others. And this is actually done more or less. And yet the care of the posts and of education come most eminently under the police power of society, taken in the German sense, that is, under the head of public welfare.

The other objection to this classification is, that the agencies grouped together are not homogeneous in character. Some of them are best justified on the ground of protecting the rights, especially the life, security, and property of individuals, which is the main reason for the establishment of a city police. Men have a right to sleep at night, and therefore there must be some one at hand to prevent riotous noises. They have a right to the security of their houses against fire and entry by force or stealth, and so watchmen and a fire department are to be provided. They have a right to locomotion and intercourse, commercial or of other kinds. Hence, ways of all kinds by land or water. Hence, too, the necessity of

common standards of value, weight, capacity, length and surface, with persons publicly authorized to measure and gauge. Education itself also has a side which looks towards the protection of rights. A father may educate his children himself, or commit the office to others, but he has no right to keep them in ignorance, if he can help it. The child has a right to be educated. This, among other reasons, defends the state's duty to provide a system of education.

Again, there is a kind of supervision which the state exercises over public morals, as over houses and women of prostitution, gambling-houses, drinking-shops and foundlings. It is easy to say that society interferes with houses of ill-fame, for example, because they are against the public welfare. But this is a very vague term. It is better and truer to say, with our fathers, and with almost all severely simple stages of society, that they are *contra bonos mores*. Man, as a moral being, when the question is, what ought to exist and be endured, cannot help judging under the sway of his moral feelings. He may be intolerant herein, but he is true to the best part of his nature, and there are limits, although not entirely clear ones, within which moral legislation ought to be included.

Still further, the helpless poor excite the sympathies of men, and it is thought that private benevolence cannot perform the work of relieving them effectually. Hence public poor-laws, which spring out of the humanity of society, which rather supplement than supersede private charity. Here good-will or kindness is really the motive, but the act to which it leads is referred to the promotion of the general welfare.

We conclude, then, from these illustrations, that if there were such a department of the state as that of general welfare, or of police, in the large sense of that word, it would group together forms of state agency of a very miscellaneous character; and that it is, for this reason, of no value either in the science or the practice of government.

The theory, it may be observed in passing, which unites under the term *police* all the state activities for the public welfare, has had no influence on the division of power among the departments of cabinets. The ministers of state divide their work according to some practical principle, and not in obedience to logical classification. For the most part, the supervision of the police falls in Europe to the minister of the interior.

Promote the public welfare, then, we would say, but do not make it a department of government, nor call it the police power. Promote it within the limits of individual liberty and individual inability to secure the ends in question, by separate action. Promote it so that the central powers of the state leviathan shall not swallow up all others. Promote it by means of special official branches, commissioners, or boards for education, health, the poor, roads, and the like; give to localities all power that is by any possibility consistent with vigorous and common action; leave it free for private enterprise in many things to undertake what society would otherwise undertake, and accustom men to think, not that the government is to take care of them as if they were its children, but that they are to take care of the government.

So far, our remarks have had a negative, critical and controversial character. It is harder to go over to the positive side, and endeavor to reach a definite idea of police power and of its sphere. Many have failed in this, and it would not be at all strange if the present essay should be obnoxious to the same charge.

We would then confine the name of police to that distinct class of public functionaries, whose duties consist in preventing infractions of law; or, in other words, who guard society against disorder and crime, secret or violent. They may have other functions besides this, which will be noticed in the sequel.

Such a power has always been conceded to belong to a well-developed state. Even in an imperfect one, although it may not be separated from other powers, or committed to special officers, it is felt to be an important function of the state itself. In the patriarchal system, where the judicial function was of prime importance, and police could have needed no officers of its own, as being an occasional and rarely exercised power, it naturally fell into the hands of the ministers of justice. In the Anglo-Saxon system the power was intrusted to the inhabitants of the tithing, and the hundred, on the principle of the common responsibility of relatives, and especially of neighbors—of the *maegburh* and of the *frithborh*, or frank pledge.* At Athens, again, where very little of prevention was exercised, and where every citizen might appear as a public accuser if he wished, this power was scarcely developed; and yet here the *astynomi* had oversight of buildings, the *agoranomi* prevented cheating in the market and in trade, the *sitophylaces* prevented forestalling of corn, and so on. The Romans had a more developed police, concentrated

* Kemble. The Saxons in England, i. 228, and onward.

under the republic, more especially in the censors and ædiles ; but they made no distinction, that we are aware of, corresponding to any modern definition of police power.

Prevention is regarded, we may say then, as a part of the public security by all governments. It is not enough that law speaks, and when disobeyed, seizes on the offender for trial ; but somebody must be charged with the office of preventing offenses. The importance of this function grows with the density of population in certain spots, and with the ease of passage from place to place. Add to this, that punitive justice itself demands the existence of such officers ; or, in other words, they will, of course, sustain two characters, one to prevent, another to detect and ferret out, crimes. If they had only the latter character, crime would be greatly increased, and at the same time the detective, also, having only an occasional office, would be unable to bring crimes to light like the preventive officer, who knows the haunts of evil doers, owing to the constancy of his employment, and his familiarity with their persons. This double character of preventive officers has been one of the reasons, probably, why they have been classed with the ministers of justice. But the preventive office is the principal one, and the detective subordinate.

It may, however, be objected, at this stage of our discussion, that everything done for the welfare of the public *prevents* some evil. A school system *prevents* ignorance and crime ; poor-laws *prevent* mendicancy and imposture ; health laws *prevent* diseases, imported or indigenous ; coins, weights and measures, with weighers and gaugers, *prevent* certain mercantile frauds ; and so on. We admit, of course, the preventive power of all good laws, but the principal agency of most of them is a direct and *positive* one. Teaching and relief to the poor are positive actions, and the mere prevention of things hurtful to society, which is their indirect result, is far from fulfilling the ends which school and poor-laws aim at. A police, which should prevent vagabond boys from strolling around wharves and railroad stations, would, by negative action, play into the hands of school-teachers ; and one which should prevent the shiftless poor from having the benefit of public charity would exert in this way a positively beneficial power. But yet the functions of a school-teacher and the master of a poor-house differ radically from those of a police. In regard to health, there is more reason to call all the officials concerned in it preventive officers, for the draining of swamps, enforced vaccination, inspection of tenement houses and of sewerage in general, with the like, are all preventive measures. And so

inspection of the market may fairly be called an office of police ; such offices as the prevention of the sale of tainted meat, of decaying vegetables, or of sale by false weights and measures, being rather for protection than for any positive result. But if, as was the case in Germany a number of years ago, the government should employ a physician at a public salary to cure disease, or should import wheat for the people in famine, these would be positive agencies with which a police power had nothing to do.

This preventive character of a police is almost as extensive as the need of protection for the rights and great interests of men in the state, and as the power of men to commit offenses of violence, fraud or negligence. But in different states, and in different parts of the state, there are very different demands for it. In a society like that of New England, a century and a half ago, it took very little time to do up all the police work of the townships, and in some christian states at the present day, where there is a general equality of society, little wealth, and little of the feverish spirit of change, there is little preventive power necessary. In other states and in large cities a police becomes a necessity, a necessary evil, if one pleases so to call it ; it sustains the government, it furnishes courts with cases, its officers appear everywhere in public by night and by day, besides those secret agents who detect conspiracies, break open letters, keep servants and secretaries in their pay, and produce a general distrust and suspicion between man and man.

But a police is not preventive only in its character ; it is also auxiliary. It has properly no substantive power of its own, like the officers of courts and of departments, but gives aid to the others, when called upon for that purpose. Thus it may be said to be auxiliary to the government, when sedition has broken out and threatens public quiet. There is no preventing of evil now. There must be force to put it down. So in the case of individuals, it appears to ward off evil which they are unequal to, and to seize the offenders. So again it is auxiliary to the departments of government. A revenue cutter is an aid to the department of finance in preventing smuggling and in resisting their violence if it should be attempted. A public vessel on the search for slave-traders, which is an instance of a police authority, acts under the departments of state or of the navy. A police, when it prevents or detects counterfeiting of government bonds, or the knaveries of distillers, acts thus for the officers of the treasury. It is, however, as an auxiliary, a power which is called only on occasion into action.

If it prevents misdoing, so much the better ; if not, its action is like action in war, where days of battle are exceptions. Thus police officers are neither finance nor military officers, nor do they properly belong to any special department, but are something like the *apparitors* and *viators* of the Roman magistrates, servants or helpers of all departments of government and of all interests in the commonwealth.

We are now brought to what some have called police states or police governments, and to the police of cities. Let us devote a few moments' consideration to our subject in each of these aspects.

1. *Police government.* What is the distinction between these and other governments, to which no such harsh title has been applied ? All states, even the very freest, employ this arm of defense for their own preservation and the maintenance of public order, and in times of danger and insecurity such exercise of power becomes very important, if not essential. The government of England under Elizabeth, although arbitrary, was not strictly despotic ; and yet, being threatened by plots without and within, to how great an extent, was it obliged to employ secret emissaries in order to counteract the movements of its enemies. So too, Cromwell's police had eyes that penetrated into all the dark holes where royalists or republicans were spinning their webs. It is not too much to say that in the late war means and instruments were used, which would now seem unendurable, and which were justified only by extreme necessity. Thus all governments use police power, even, it may be, against subjects or citizens. What then, we ask again, is a police government *par excellence* ?

Its first characteristic is, that the care of civil order is always a matter of prime necessity, or, at least, is thought to be so. There is a chronic state of discontent and of suspicion. Fear, not of danger from without—of which ambassadors and public fame can forewarn—but of internal disquiet, of disorderly movements, which may seize on the heart of a great city, and may cost money, if not blood, to put it down—this fear, the mother and the child of tyranny, is chronic and sleepless.

Again, the disorders apprehended are revolutionary, or at least political, proceeding from a discontented people, or from a discontented party. They are not, as in the seventeenth century, fomented by foreign powers, but spring up within the nation itself, where there is a perpetual dissatisfaction with the existing state of things. This relation between a government and a large part of the people requires,

besides the means of concentrating the military force in the last resort, a body of men whose functions shift between persuasion and force, who are able to anticipate danger, and secure knowledge of what is projected by means at once necessary and detested.

It is evident that the steady employment of such a police force tends to increase the hatred of the disaffected to the government and to these agents of government, who represent and incarnate tyranny in the eye of the mass of the people.

And, again, in a police government, there is a concentration of this kind of power in the hands of some principal officer of the state ; much is left to arbitrary opinion, and the subordinates are not responsible to any but their superiors for their acts. These three characteristics correspond to that fear which always keeps its eye open to the vague possibilities of danger, to that efficiency which the support of an unsteady throne demands, and to that tyranny which allows a people to have no reserved power in its hands, when once it has chosen its tyrant. If the power is not concentrated, there will appear a danger that places remote from the focus of administration cannot be managed by local police forces, the commands of the præfect must fly on the wings of the telegraph—which, in some respects, is an efficient helper of the powers that be—and he must be assured that no local interest or force will prevent his behests from being obeyed. Moreover, he must have authority to act *pro re natâ*, just as in case of invasion, and his arbitrary acts must not be reviewed by courts of law. Otherwise, afraid for his head or his purse, he may not put forth the due amount of efficiency. Still more important is it for such a system that the subordinates in their various ranks should be merely obedient machines, capable indeed of being brought to account, but not responsible for executing the orders of their superiors.

Such seem to us to be the principles of police governments, as it respects this branch of power. The system has its benefits, chiefly consisting in the more efficient preservation of public order and security outside of the political sphere. Rogues and rioters know the strength of such a force, and know that it is not for the interest of such a government to fail to make use of it in repressing civil disorders. But it has its evils and dangers also. Constant espionage and prevention destroy the energy of a nation, and make a government odious. Nor can a police force be relied upon in the times of change, but, like an army, it may be won over to the cause of the people, or of revolution. In the movements before the French revolution, when Turgot was making his reforms, by which the immediate

interests of the privileged classes were affected, the nobility and even relatives of the king stirred up commotions in Paris against the innovations of the liberal minister by the agency of police officers ; and as the same revolution went on, the same officers fell under the control of the party of violence against king and nobles, and helped the revolution to gain the control of Paris.

2. We pass on next to say a few words upon the police of large cities. The necessity of a special safeguard for the order and security of such places is apparent, *as* apparent as the necessity for an army to send out scouts and patrols and small detachments, when an enemy is close in the neighborhood. The dangerous classes are in a state of war with social interests ; our freedom allows them to come and go ; and a town has its hiding-places almost as inaccessible as a wilderness of woods. The quiet citizens cannot discharge the duty of watching by night, if they are to work by day ; they cannot as well combine against criminals as criminals can combine against order. Hence a well-arranged, compact, easily-wielded power must take upon itself the various duties, which the nature and the needs of a large town demand. And perhaps the system of such a town police must have peculiarities of its own, as it respects concentration, appointment, responsibility, power of acting in emergencies, and the like, differing in some respects from the constitution of a police for other districts or places.

Some of these points in the police system as a whole, and in the police of large towns especially, we propose now in conclusion to consider, confessing, however, that there are practical difficulties attending some of them, which, owing to want of experience, we are not able satisfactorily to solve.

1. The question of concentration, as it regards the police system, may be viewed under two aspects : Ought all the kinds of officers, called *the police*, according to our restricted definition, to be united together like a military force ; and ought this force in all places to be placed under the control of chiefs with a gradation of subordinate officers ?

Concentration is opposed to the spirit of our institutions, and has been so from the very first. Whenever the dread of consolidated power shall give way to the advantages of concentrated, we may be sure that some change of government is before us. Our policy is, then, to get along with the inconveniences which do really grow out of diffused power and local self-government, remedying them in detail as far as the order of society and the suppression of crime

demand, but never giving up our present system for any imagined advantage whatever. If administration, divided between the general and the state governments, and in the state between the state and the local officers, becomes so unwieldy and loose-jointed that it fails of its end, let us find it out by hard experience ; but let us move along our present line until it shall be proved that our division of power is a manifest failure.

In accordance with this principle, we think we ought to favor the separation of police departments, where they are *radically* distinct, or where they are *locally* distant, yet giving them a certain power to act together, and facilitating their concentration under a chief in large places. There are obvious reasons for each one of these rules. Revenue cutters have a sphere entirely different from that of night and day police. They cannot then be united with the latter on any logical or political principle. The tithing-men, fence-viewers, pound-keepers, howards of stray animals, gaugers and measurers, if they can be called police, are distinct from one another and from the police in the narrowest sense. They may be kept apart and ought to be. The true principle is approached by the question, *is the police called on to use force on occasions or not ?* Watchmen are, and therefore need to be able to act together ; but in order to act together, they must be capable of being massed and disposed of like companies in a regiment. This, however, is impossible without some principle of concentration under officers who can wield them. On the other hand, the persons mentioned above need no force, as an ordinary thing, to carry out their functions ; the peccadilloes they prevent are not those of violence, and in an emergency they, just like ordinary citizens, can call on the authorities in whose hands the force of society is placed.

Nor is there any need of a firm, solid union between the police of cities and that of counties or townships. They are very different orders of men. If united, those of country places—rural police forces—would have to be subordinate to those of towns ; and there is small occasion, we apprehend, for co-operation. When such need arises there appears to be no difficulty in bringing them into temporary concert in a legal way.

2. We pass next to the mode of appointment of this police. Here the importance of the subject touches the large cities mainly ; and, so far as it is involved in difficulties, they arise out of our party politics. The worst aspect of our politics is not its bitterness or one-sidedness, but its demoralizing tendency in this respect,—

that men, chosen to execute the law, will not do their duty because the law has been made by another party. Carry this through, and justice will screen rather than punish. Whether anything can be done to drive party out of municipal elections, by compromises or by making them inority sure of their proportion of local power, we will not stop to inquire. At present, things are in the worst state possible. The dangerous classes of society, under our system of party and suffrage, can be combined in support of a municipal government which will keep its eyes shut, and let crime slip easily along, while the quiet and orderly citizens are too blind or too busy to act in concert and with energy against them. Unwise legislation may have made the bad more ready to combine; but the evil lies deeper than existing legislation. If the worst part of the city can elect its magistrates, the police will be likely to be a corrupt police, whether chosen by the magistracy or by the vote of the city. The question, then, amounts to this: Can cities govern themselves when suffrage is in the hands of all, both good and bad? And the alternative question is, can legislatures govern cities by special legislation, when they themselves make party motives their leading consideration, and when the control in them is constantly changing from one party to another? We have here stated a problem which we are unequal to the solution of; and content ourselves with saying that if local self-government, in its whole extent, is abused by cities, it must be taken in part out of their hands. The bearings of the subject reach far beyond the question—in whose hands the appointment and control of the police power shall be lodged. On that matter we remark only that the better classes of society need that the ultimate control of the police should be out of reach of municipal politics, as much, if not more, than they need that the city budget should be safe from the same influences.

3. There remains the subject of the amount of discretionary power and of responsibility which ought to attach to the officers of the police; by which we intend the relation of individuals on duty to the law, as well as the amount of authority which the chiefs of the police ought to exercise. Little discretion ought to be given to the chief officers, beyond that of massing and distributing their subordinates, as the necessities of the case require. The law ought to lay down their duties so specifically that no tyrannical or arbitrary act on their part shall be justified. But the men—the privates of the corps, with the subalterns—must have discretion within certain limits. They need to act alone, away from all their advisers

or commanders, at night, when the time increases suspicion, and with all promptness; for they have alert and dangerous enemies. No man or squad of men ought to be called to act alone, without having discretion within certain limits. They alone can judge in the case. But as a check on this discretion, according to the pervading principle of our system of liberty under law, they are responsible for their conduct. They cannot be shielded from the penalties of an unlawful act, either by the command of a superior or by the necessities of their situation; only the last plea may be urged with all fairness, for conduct that has injured innocent persons, springing out of natural or unavoidable mistake, or originating in supposed self-defense. As their situation may render mistakes inevitable, and armed self-defense necessary, all due allowance ought to be made for them.

4. In closing what we have to say on the police power, we advert to the estimation in which this class of our guardians is held, especially in large towns. There is in a part of society a dislike, and in another part a contempt for them; and this feeling is quite extensive. Mr. Bluntschli considers it one of the political problems of the times to raise this branch of officials in the regard of citizens. They are dreaded in absolute forms of government as the helpers of despots; but we and the English, who have no such reason for fear, have a feeling towards them which we do not entertain towards our other defenders.—sailors or soldiers. Why should this be, when they are a most useful and necessary class, not exposed, perhaps, to any peculiarly corrupting influences, and often showing more gallantry against burglars or rioters at night than soldiers ordinarily have a chance to exhibit? We can explain why the tax-gatherer and the bailiff are not welcome; but it is not so easy to tell why those who always protect us, with whom not one in a thousand of quiet citizens ever comes into conflict, should be held in low esteem. Can the reason be, that police power is preventive and a restraint on our natural freedom, in cases where violations of general rules, in special instances, are felt to be of trifling importance and not worthy of notice? Or can it be because the office of a policeman involves summary acts of *personal* power against which men naturally revolt? Or is it owing to the fact that they are in some sense moral scavengers, whose occupation seems to put them on a level with the low, so that many are reluctant to take the office? However this may be, such a feeling

towards this most useful class of public servants seems to be a serious evil, and needs a remedy if one be possible.

For the committee :

THEODORE D. WOOLSEY,

Chairman.

8. REPORT OF THE COMMITTEE ON CRIMINAL LAW REFORM.

EXPLANATION.—The Hon. C. I. Walker, of Michigan, who had kindly undertaken the labor of preparing the report for this committee, was unavoidably prevented from carrying his purpose into effect, by the pressing duties of a large practice at the bar, and of his professorship in the law department of the university of Michigan. Under these circumstances he consented to open the discussion on this subject, with an extemporaneous speech. This address is here published as the report of the committee; or, more correctly, in place of it.

At the earnest request of Dr. Wines, I had promised to prepare a report upon the subject of Criminal Law Reform, but circumstances beyond my control have prevented the preparation of such a paper; nor, in fact, have I any peculiar fitness for such a task. I have been too busily engaged in the administration of law to give much attention to its reform, and the only manner in which my attention has been especially called to it, is as a member of the Board of Public Charities of the state of Michigan. The legislature of that state directed the board to prepare, and to present to the next legislature, a compilation of the criminal code, and to recommend such revision thereof as they deemed expedient. In the discharge of that duty, my attention has been somewhat given to this subject, sufficiently so, at least, to see the difficulties that lie in the path of the desired reform; difficulties which I have not yet been able to solve, to my own satisfaction.

To a considerable extent, doubtless, the same imperfections of the criminal code exist in other states, both as to crimes and punishments as exist in Michigan, and some of the suggestions about to be made may have a general bearing. I may be pardoned, therefore, for alluding to certain provisions of the criminal law of Michigan, some of which are peculiar to our state, while others are common to most of our sister states.

The grand jury with us is very much a thing of the past, having been virtually abolished for fifteen years; and there is no desire upon the part of any portion of our people to return to a system of procedure, which was found cumbrous, expensive, and productive of very considerable delay, without any corresponding benefits. Our courts, however, have still the power to order a grand jury, when there may exist any special occasion therefor, and in one of

our counties a grand jury has recently been called, for the purpose of finding indictments against dealers in spirituous liquors.

Capital punishment was abolished in Michigan nearly thirty years since. Its abolition has not led to an increase of the crime of murder, and there is no disposition to restore it. We have a state prison and county jails, but no prisons intermediate between these under state control. Our last legislature made provision for a house of correction for the state. The house of correction, under the control of the city of Detroit, has, to some extent, been used for state purposes. Offenses of a lesser magnitude have been punished there, and women convicted of felonies have been confined in it. We have also a reform school for boys, and have just established a state school for the training of indigent and vagrant children, who have been guilty of no crime. Their detention in the school is to be but temporary, and the plan is to provide them with homes as soon as good ones can be found.

Our county jails, like those of most of the states, are a disgrace to our civilization. They are faulty in their construction and arrangement, and are generally dark, damp, cramped, poorly ventilated, and gloomy in the extreme; but their great fault is, that here persons of all classes are commingled, without reference to age or character, as well those who are convicted of crime, as those who are merely accused, and awaiting trial. They are but hot-beds for the propagation of crime and criminals. In most of these respects, Michigan is very much like the other states of the Union.

REVISION OF THE PENAL CODE.

The revision of the penal code may be presented under three subdivisions. *First*: The definition of crimes and their classification. *Secondly*: Procedure, including arrests, detention, and trials. *Thirdly*: Sentence, including treatment while under sentence.

DEFINITION AND CLASSIFICATION OF CRIMES.

The number of offenses made criminal by our statutes—and here I speak of the country at large—has become very great. This is an inevitable result of our advancing civilization, and of the new forms and relations which property is constantly assuming. Many of these criminal statutes are ambiguous and full of incongruities, and, like most other laws, they have been a growth rather than a creation. Yet it is very difficult, and perhaps not desirable, to make radical changes in the definitions and descriptions of crime.

Many statutes, originally crude and obscure, have received a judicial construction, and any attempt to radically change them, would be accompanied with no little difficulty. Ambiguities and the necessity of judicial interpretation belong to the subject, and grow out of the imperfection of human language.

It is not possible, by any form of words, to express with perfect fullness and clearness, everything that is meant, and to exclude every other possible meaning. Absolute scientific certainty is the prerogative of mathematics alone; and wherever, in other sciences less exact, certainty has been sought at the expense of clearness and brevity, the result has been that definition is piled on definition, explanation is added to explanation, until prolixity and involution result in still greater obscurity. It is inevitable that much must be left to judicial interpretation, guided, however, by well settled rules. Something, doubtless, can wisely be done in giving greater precision to our criminal statutes; but so long as our laws are drawn by inexperienced and unskillful men, we cannot expect even an approximation towards perfection.

CRIMINAL PROCEDURE.

The object of criminal procedure is a speedy and yet a fair trial, which shall, as far as possible, secure the acquittal of the innocent and the conviction of the guilty, and this with as little detriment to the accused as possible. Here there is room for very great reform.

One reform, imperatively demanded by the best interests of society, relates to the detention of prisoners before trial. They are now detained in our county jails in enforced idleness, and surrounded by the worst possible associations. The law mercifully presumes that the accused person is innocent, until he has been convicted of crime; but while this is the theory of the law, the accused is practically treated as a criminal. His imprisonment is made ignominious; he is shut up with criminals; and if he is not already a criminal, the chances are that he will be made so.

The sole purpose of imprisoning an accused person is safe detention until he can be tried. He should suffer no ignominy, not necessarily growing out of such accusation and detention, and should be subjected to no severity or indignity, to no evil and corrupting associations. Houses of detention should be provided, in which each person shall have a separate apartment, and be permitted, if he so desire, to engage in some simple labor; and if acquitted, he should be entitled to a fair compensation for the time lost by his imprisonment.

Witnesses detained to give testimony should be treated in the same way.

The state of Maine has shown by actual experiment, that voluntary labor may be introduced into jails without serious expense to the counties, and with great advantage both to the inmates and to the public.

This whole system of county jails should be revolutionized, if not absolutely abolished. Before trial, accused persons should simply be detained. After conviction, prisoners should be confined in some prison where they can be required to work, and be subjected to proper corrective and reformatory influences.

Another reform that has already been authorized in Michigan, but not practically inaugurated, is to protect young children from a criminal trial, where the interests of society and of the accused alike demand such protection. An agent of the Board of Charities is to be appointed in each county, and when a person under sixteen years of age is arrested for crime, notice is to be given to such agent, who is to make careful inquiry, and confer with the magistrate; and, if thought best as the result of such conference, the child may be returned to the parents, or, with the approval of the judge of probate, may be apprenticed or sent to the reform school. This is certainly a move in the right direction.

Unprofessional persons, interested in the repression of crime, frequently have a very strong prejudice against the technicalities of the law, by which many criminals escape conviction, and the question is often asked, can there be no reform here?

A mere misdescription in the information or indictment, in the name of a person, or in the date of an instrument, or any other trifling variation between the matter charged and the proof, ought not to result in an acquittal; yet it is not easy to define just where the line should be drawn between technicalities that ought not, and those that ought, to prevail. One thing is clear. The protection of the innocent demands that a person accused of a crime, should not, on a charge for the crime named, be convicted of another and different one. No man is bound to prepare for the trial of any offense other than the one charged. A very liberal power of amendment should exist in the courts, and with us in Michigan, it does. Beyond this I have no suggestions to make on this point. Dissatisfaction is very often expressed at the rules of evidence which shut out from the jury facts that, in the public mind, are supposed to be significant, and to bear directly upon the guilt of the accused. It is neither easy nor safe to make radical changes in those rules. They are the result of the

wisdom of ages, and while, by their enforcement, the guilty, in some instances, escape, they are for the most part, certainly, essential to the protection of the innocent, a matter of still greater moment than the conviction of the guilty.

Another matter that deserves the very careful consideration of thoughtful men, is the question whether perfect unanimity of the jury in criminal cases, is essential to the protection of the innocent. Beyond all question, this unanimity frequently stands in the way of the conviction of the guilty, especially in the great cities, where the character of the average jury is anything but high. Can the rule in this respect be safely changed? The right of a trial by jury is a right as dear to us, perhaps, as any right connected with the administration of justice, and has, ever since its introduction into criminal procedure, been cherished as of vital importance to the protection of the innocent. It was especially cherished in the early ages of the common law, when prosecutions for political reasons were frequent, and when the judges were usually the creatures of the crown. In those days the requirement of perfect unanimity in a jury of twelve men was a needed and essential protection of the innocent; but at the present day, there are very few political prosecutions, and it is only in rare cases that there is danger of the conviction of innocent persons.

This requirement of unanimity is one of the greatest obstacles to the conviction of really guilty persons that now exist. In some of the states this right cannot be modified save by an amendment of the constitution. It is so in Michigan. But our constitution provides that the jury may be authorized to be composed of a less number than twelve, and it is probable that, under this provision, the legislature could provide that a less number than twelve could render a verdict in a criminal case. I suggest, as a desirable amendment to the criminal law, that a court should be permitted to receive a verdict of ten out of twelve jurors, whenever the jury have been out for a given number of hours, say five or six, and that, if a verdict thus rendered is satisfactory to the court, judgment should be rendered thereon. When the tendency is so strongly in the direction of letting the guilty escape rather than in convicting the innocent, there would seem to be no danger, but a promise of good, in such a modification of the right of trial by jury.

SENTENCE.

The object of the sentence, on the conviction of persons accused of crime, is the protection of society, and not simply, if at all, retri-

bution. This protection of society is accomplished by the sentence deterring others from committing like offenses, or by restraining the guilty person himself from the further commission of crime at least for a time, or by the reformation of the criminal, or by all three of these effects together.

This last object, the reformation of the criminal, if practicable, is by far the most important. That it is practicable, to a considerable extent, has been fully demonstrated, and there is every reason to hope for much greater success in the future ; and the great question is, what is the best system by which such reformation can be effected ? Upon this question, there is naturally great difference of opinion. After some observation and a pretty broad reading, and after having listened with interest to the advocates of the different systems, my own mind has been forced to the conviction that it does not so much depend upon the system—although this is certainly not unimportant—as it does upon the persons who administer the system, and the spirit in which it is administered ; and I think that we may—in part, at least, I will not say wholly—apply to this subject the couplet of Pope :

“ For forms of government let fools contest,
That which is best administered is best.”

INDETERMINATE OR REFORMATORY SENTENCES.

The reformation of the wrong-doer must come from within. His latent power must be developed ; his perverted faculties must be turned in the right direction. He must be inspired with hope. Education and religion must lend their aid to the work, but most emphatically he must work out his own salvation ; and the question is, what form of sentence is best calculated to promote this result ? Should it be a definite time sentence, fixed by the court, with reference to the character of the offense as developed at the trial, or an indeterminate sentence, the length of which is to be determined by the character and conduct of the convict himself ? The evils of the definite time sentence are apparent, and have been presented so often, and with such clearness and cogency, that they are known to and felt by all who have given thought to this subject. If the sentence is to be fixed solely with reference to the character of the crime committed, it is apparent that, often, persons dangerous to society, and utterly unfit to be at large, will be restrained only for a short time, as the particular offense for which they are convicted may be but a trifling one. On the other hand, serious crimes,

resulting from sudden temptation and strong passions, are often committed by those who have no criminal disposition, and who could be safely trusted at large without injury to society.

Then, too, the evils of short sentences for petty offenses are too well known to need repetition. Especially is this the case in relation to drunkenness, vagrancy, and such like offenses. The theory of the indeterminate sentence is that the prisoner, by his own conduct and character, is to determine how long he shall be detained, and he is to be discharged whenever he is fitted to re-enter society and act the part of a good citizen. In other words, he is to be detained until he is reformed, whether that be for a longer or a shorter time, and this reformation depends, and must depend, upon his own voluntary action. This system has been in force, and its practicability and beneficent effects have, to some extent, been demonstrated, on Norfolk Island, on the continent of Europe, and under the Irish system in the United Kingdom.* The reasons in favor of it have profoundly impressed my mind, and if our prison administrations had a character of permanence, and our prison systems were administered by men thoroughly trained to and fitted for the business, men of high character and broad culture, men of large experience in dealing with human nature, and especially with criminal human nature, I think the system would be preferable to that of time sentences, and more effective in accomplishing the true ends of public punishment.

The practical difficulties that have suggested themselves in reflecting upon the alteration of the statutes necessary to make this change have been very great. In the first place, I doubt whether the public mind is at all prepared for a change so radical, and whether the system can be made acceptable at present, especially in a community where the laws are made by, not given to, the people. We have been so long accustomed to have the sentence of a convict fixed by the court with reference to the character of the crime, that it is somewhat startling to the common mind, and still more so perhaps to the judicial mind, to have no distinctions in the sentence for crime, and that the length and character of the imprisonment is to be determined after

* This statement by Judge Walker is not quite correct, either in reference to Maconochie's experiment on Norfolk Island, or the Crofton system in Ireland. It is, indeed, an exact statement of the *principle* which Maconochie desired to introduce into his prison management on Norfolk Island, but he was never permitted to apply it there, which was a source of constant grief to him; and he persistently claims that, great as the results of that experiment were, they fell far short of what they would have been, if he had been permitted by the government to carry out his system in its entirety. Nor does the principle of indeterminate sentences constitute a feature of the Crofton system; the prisoners in the convict prisons of Ireland can only *shorten* their sentences by good conduct as under our commutation laws.

the imprisonment is commenced, and by other parties than the court that pronounces the sentence. To receive such a change, the public need to be more perfectly educated in the true theory of punishment and the practical possibilities of the reform of prisoners.

Another practical difficulty is, where shall the power to determine when the imprisonment has effected its purpose and the prisoner is sufficiently reformed to be again set at liberty, to be placed? Shall it be determined by the prison officers, who have him in charge, or by some board, who have no such direct charge, and are not, to any extent, brought into personal contact with him? The latter could not, from the nature of things, possess the requisite knowledge to act with wisdom upon a matter so difficult, so delicate, and affecting so deeply the liberty and welfare of the prisoner, as well as the safety and well being of society. If a board is to decide this question, it must be from knowledge obtained and impressions received from those having the prisoner in charge, and who are thus brought into personal contact with him; so that, practically, they, and not the board, would determine the question of the time for which the imprisonment should continue. If our prison officers were selected without reference to party politics, from those best fitted, by broad culture, high character, thorough training, and special administrative ability, to discharge the duties of their positions, with the reasonable certainty that as long as their duties were well and satisfactorily performed they would be retained, so that they could make the management of prisons their life-work, then could be secured a class of officers well qualified to determine this question of time, in whose hands, in connection with an advisory board, the power in question could be safely left. But until we can secure this higher style of prison administration, thoughtful men will shrink from clothing prison officials with so great a power over the destinies of those under their charge.

These are some of the practical difficulties that lie in the way of a change from time sentences to indeterminate or reformation sentences; a change which, in theory, seems desirable, and which may safely and wisely be reduced to practice when the conditions indicated above shall have been secured. Time, and a more perfect prison administration, will probably remove the difficulties in the way of this change. In the meantime certain advances may be made in this direction, which do not involve any such radical changes as to give a shock to public sentiment.

There may be established a grade of prisons, each having a dif-

ferent character; one for the more incorrigible, and others for those where there is reason to hope for reformation. These prisons should be under one control, one central board (assisted, perhaps, by local boards having especial charge of each institution); and these boards should have the power of transfer from one prison to another, as they might judge expedient in view of the character and conduct of the prisoner. Then, too, the prisoners should have it in their power to shorten their time sentences and enlarge their privileges, still more than they now can, by good conduct; and, beyond all doubt, there should be a provision by which they should be entitled to a portion—I would say a generous portion—of their earnings. In this way hope would be made to bring its full power to bear upon their reformation. Their conduct would determine the grade of the prison in which they would be confined, the privileges they should enjoy, measurably, also, the time of their imprisonment, and the compensation they should receive at the termination thereof. Thus, without adopting, absolutely and in form, the system of an indeterminate sentence, there can be obtained, largely, the benefits that would spring from that system.

These are some of the suggestions that occur to me upon this important theme. None can be so sensible as myself how crude they are; but they may stimulate thought, and thus not be without their use. If they do this, they will have accomplished all that I could hope for.

9. DISCUSSION OF THE TWO FOREGOING REPORTS.

Mr. Seaman, of Michigan, said that there was undoubtedly a wide margin for reforms in the criminal law. While the laws defining crimes and the modes and measure of punishment have been revised and improved in all or nearly all our states, those regulating procedure, pleadings, and evidence in criminal cases, have undergone but little change during the last two centuries, except what has resulted from the mere lapse of time, in heaping precedent upon precedent and rule upon rule, by judicial decisions, until the whole fabric has become a mass of bewildering incongruities, which do but serve to shield the guilty from punishment. The modes of procedure and the law of evidence in criminal cases are very artificial, and, in many particulars, run into extreme subtleties, technicalities, and sophistries, which set common sense at defiance, disregard the rights and safety of the community, and operate as a shield to the violator of law. Look at that rule which, when a murder has been committed, excludes from the jury the most intelligent men in the community, because they have read a newspaper account of it. Now, the reading of such accounts must necessarily make an involuntary impression upon the mind; but if the person so reading has no personal acquaintance with the prisoner, nor with the murdered man, nor with the immediate friends or relatives of either, he can rarely have any such prejudice, one way or the other, as to unfit him for a juror in the case. The whole law in relation to the qualifications of jurors needs to be revised. Not every man who is invested with the elective franchise is qualified to discharge the solemn and weighty duties of a juror. Jury duty is most responsible, and is really a burden to men fitted for its proper discharge. It should therefore be assigned to men of intelligence and character, business men and property-holders, and not to every common laborer.

The judiciary act, passed by Congress in 1789, provides that the depositions of aged and infirm witnesses, and of witnesses living more than 100 miles from the place of trial, may be taken in any civil cause pending in any circuit or district court of the United States, and read on the trial thereof. That act has been in force more than fourscore years, and has operated so well and beneficially, and so greatly facilitated and cheapened the administration of civil justice, that similar statutes have been adopted in all or nearly all the states. That act has laid the foundation of a new system of taking testimony, and reducing it to writing to perpetuate it for future use in the cause, no matter how many times the same may be tried. It has been tried and found safe in civil cases, and I see no good reason why its advantages should not be extended to criminal cases, to facilitate and cheapen the administration of criminal justice. If it be safe and right in civil cases, it must be equally so in criminal cases. No reasonable man will pretend that the rights of criminals are more sacred than those of honest men.

Insanity is too often set up as a pretense to shield murderers from the punishment which is justly due to their crimes. The passion of revenge, together with the provocation by which it is excited, has been in many instances given to the jury as evidence of insanity.

Insanity should be pleaded specially, and the question of the sanity or insanity of a person charged with crime should be tried first, and if the jury find that at the time when the homicide or other offense was committed, the prisoner was really insane, he should be sentenced to confinement in an asylum for a term of years, and until restored to a sound mind. This should be done as a matter of security to the public;

and no pretense of returning sanity should be available to authorize the discharge of such a convict, and let him loose upon the community, short of a period of three or five years.

The right of self-defense is a natural right; but governments are instituted and laws enacted to prohibit and punish crime—and the public administration of justice is established to prevent men from retaliation, and from all attempts to redress their own wrongs. In the eye of the law, one crime can never justify another. The fact that a person has killed a son, father, brother, sister, or other near relative or friend of the murderer, is no justification for killing him; and hence, such prior crimes should not be given in evidence to the jury, in behalf of a murderer to justify or excuse the murder, or even to explain the cause of it. And if not murder, then certainly no lesser offenses should ever be given in evidence to justify or excuse the murder of such wrong-doer, or to influence the minds of a jury on the trial of the person charged with murder, or with an assault and battery with intent to commit murder.

While previous good character should seldom have much weight in favor of a person charged with crime, as there must always be a first offense, the prisoner's previous conviction of crime should often have great weight against him, and previous bad character also.

Carrying deadly weapons by persons not public officers, nor having much money or other articles of great value on their persons, should be regarded as evidence of a disposition of mind favorable to the commission of crime.

Senator Baldwin, of Illinois, said that his state had provided that no witness shall give security for his appearance but his own recognizance. Still many criminals escape punishment by the spiriting away of the witnesses. The constitutional provision of the different states is the only thing in the way of the remedy proposed by Mr. Seaman. This detention of witnesses and confining them when they have committed no offense prevents reform. The witnesses may suffer more than the criminal, if they furnish information. The interest of the criminal law demands that this custom should be totally abolished. Testimony should be taken when there is any doubt whether the witness will appear or not.

It was enacted by the legislature of Illinois, at the last session, that criminals may testify in their own case. Mr. Baldwin believed this to be a most valuable provision, and one that would often clear the innocent. The train of circumstances around a criminal will often be such as to furnish a presumption of guilt, when, by his own testimony, he might fully explain all the circumstances.

Mr. Baldwin had visited nearly every jail in the state of Illinois within the last two years, and he was fully convinced that they were the worst schools of crime that could be devised. You have there the murderer, the horse-thief, the confidence man, the burglar, and the pickpocket, all living in enforced idleness; and you have the boy imprisoned there for stealing fifty cents, who has nothing to do but listen to tales of cunning or daring crime, and to be indoctrinated in all the shrewd devices of which the criminal class are masters. The boy is well-nigh as sure to come out of the jail a confirmed criminal, initiated in all the mysteries of the art, as the sun is to rise to-morrow morning. The common jail should be utterly abolished as a place of punishment. A system of labor would not be effective in the jails. If it could be made so, let it be tried. You cannot procure a suitable superintendence over the labor of such a small number of prisoners as are usually confined in the county jail. The remedy seems to be in intermediate prisons, holding a middle position between the county jail and the penitentiary, where criminals convicted of minor offenses could be sent, and be brought under a system of enforced or voluntary labor, and under the best reformatory influences. Such an institution would be nearly, perhaps entirely, self-sustaining, and would relieve the county jail and state prison of many who go there. It would be a great step in the direction of reform. A state would require but one or

two such institutions, and a great advantage would be that the inmates would not be exposed to the evil of bad associations.

Another evil of our criminal codes is the delay in the trial of cases. If you abolish the county jail as a place of punishment, you avoid this evil to some extent. As it is, a man is confined for months and even years, so that, if innocent, he suffers more than if convicted. It is said that the law, with all its regard to the prisoner's rights, with its technicalities, etc., requires this delay. If so, the law should be changed. If a man is innocent, he should be acquitted at once; and if guilty, at once sent to his place of punishment. The grand jury should be abolished, for it is one of the great causes of this delay. The accused must often lie in jail six months before his case is passed upon by the grand jury. This is a wrong that cannot long exist, and must soon be abolished by the action of a free people.

Too speedy trial is not desirable, for every one should have a fair trial, and some time may be necessary to prepare for it. But the greater evil is in a long delay. We have a class of criminal lawyers, who may be called so for more reasons than one. If they can delay the trial of a murderer, whose guilt is clear, for six months, they have a better chance to get him clear. By change of venue, the spiriting away of witnesses, and a score of other things, which they play upon as a harp of a thousand strings, they put off the trial for one, two, and sometimes three years, and then the prisoner is almost, as a matter of course, cleared. The deliberate professional criminal cares not for danger, and if he has a chance to escape punishment, even if caught, he is all the more dangerous, and becomes still bolder in crime.

Mr. Hurlbut, of Wisconsin, said that his state had abolished the grand jury system, as Michigan had done. But the Constitution of the United States being a little in the way, we have left it still in the discretion of the circuit judges. We proceed directly upon information filed by the district attorney. He is surrounded by all necessary guards to keep him honest if he should be disposed to do wrong. Our present system is more satisfactory to the people, is much cheaper, and very much more expeditious. We regard the grand jury system as a relic of the dark ages; an inquisition which dares not come to the daylight; and in all judicial cases daylight is regarded as a very necessary adjunct to justice.

In regard to evidence, we have the privilege of taking depositions on behalf of the state in criminal prosecutions; and the accused may, also, take depositions at any time in his own interest. In all criminal trials in the state of Wisconsin the accused, that is, the defendant, may be sworn in his own behalf. He is sworn as a witness, and does not give a simple statement. When he is on the witness' stand he is subject to all the rules of evidence, as other witnesses. If the accused keeps silence, the court charges the jury that his silence is not to be regarded as prejudicing his case.

Dr. Samuel R. Wilson, of Kentucky, said that he knew something of law, as the church of which he was a minister (Presbyterian) had a very perfect code of laws and government, which embodies many of the fundamental principles of all good government. The Presbyterian form of government embodies two of the great principles which have been advocated in the papers and discussions we have heard. First, the taking of depositions of absent witnesses; and, second, requiring witnesses to be face to face with the accused, unless the accused consent that the witness may send his deposition. This is a very important improvement to the system of testimony in our courts.

In the law of testimony of the Presbyterian church it is also provided that both parties may make their own statements. This is a law which comes from the Mosaic legislation. We too often lose sight of the fact, that our legislation is permeated by the influences and principles of the Mosaic code; which, indeed, embodies most, if not all, the great principles of civil and religious liberty.

In regard to changes, we are sometimes led to suppose that a change would be for

the better because it would reach a specific case. But we cannot legislate for specific cases. We can have no system of human laws, under which there will not be some injustice. If you change a law to suit a specific case, many more cases of injustice may arise under the new law. In regard to the delay of trials, while there is much evil attending long delay, still there are advantages in having some delay; and oftentimes too much haste does not tend to justice, but the reverse. When a great crime has been committed and reported in the newspapers, which garnish it up, the public mind is apt to become influenced against the accused. In such a case delay is an advantage. To arrest the man, to indict him to-morrow, and try and pass sentence upon him at once, would, in many cases, do great injustice to society as well as to the accused. It is better to let three guilty men go free awhile, until God's providence shall bring them to justice, than to convict an innocent man and punish him.

The grand jury was originated for the protection of character, so that a man should not be prosecuted until twelve impartial men should sit quietly and privately upon the evidence to be offered to convict him, and it has so operated. Good things sometimes become great evils under bad management. It would be a great misfortune to give up the right of trial by jury.

Dr. Hughes, of Missouri, said that there was a class of criminals who came into the world under the tyranny of a bad organization. They have an organic impulse to crime; and so they can hardly be said to be volitional criminals. They are the hereditary criminal class.

There are two kinds of insane. First, there is the criminal insane, whose insanity is the product of his crime. In such cases, insanity should not be of avail to escape punishment. There should be provision for this class in the penitentiary, for they belong there. But there is another class of the insane whose insanity has produced the crime, and for whom God alone, in His inscrutable providence, is responsible. This is the class which needs to be provided for more adequately than now. This plea of insanity should be protected; in very many cases it is a legitimate plea. Any one, not an expert, may detect the imbecile, the idiot, and the madman; but the transitional grades between these marked states are those which call for experience; and these are the very people who gain no sympathy at the hands of the populace. There are as many kinds of madness as of folly; and because there is a similarity between folly and madness, we need to be on our guard. When a man is denied the benefit of the plea, if it be just, a judicial murder is the result; and all because he who is a skillful criminal gets the benefit of the plea, to which he was never entitled.

Mr. Bovee, of Illinois, said he would not speak of the difficulties or improvements in our reformatories, nor of the criminal class, but of that greater criminal than all, the state, the governing power. We have not to-day, on the face of this broad earth, a single code of laws that is founded upon the gospel of Jesus Christ. Every one of them is founded upon the *lex talionis*, the law of retaliation, and we cannot expect to attain reform so long as the gallows, the highest earthly symbol of retaliation, exists. This might be done away with, as it is so clearly in opposition to the teachings of the New Testament.

We confine our prisoners; we make them odious; they complete their sentences; and then we release them without regard to their moral condition at all. Whatever good may be developed in them comes not from the government, but from the humane tendency of the age. For in the penal code, the government does not contemplate the reformation of the prisoner. Punishment is not meted out to meet the requirements or conditions of the man, but simply because he commits so much damage. Mr. Bovee regarded this whole theory of time sentences as wrong, believing that every criminal should be sent to a state reformatory for reformation, and when reform had been produced, according to the judgment of an experienced and competent authority, he should be released.

Dr. Wines, of New York, said that so far, in this discussion, no reference had been made to the very able report submitted by the standing committee on police, through its distinguished chairman, Dr. Woolsey, late president of Yale College, Connecticut. He thought the question of crime prevention, through the efforts of a properly organized, conscientious, and efficient police, one of grave and vital importance, and well worthy to engage the studious attention of this Congress. It is often charged against the friends of prison reform, that they are actuated by a morbid sympathy for criminals. He disclaimed utterly any such sentiment. On the contrary, he earnestly desired such criminal legislation as would render more swift and sure the detection and punishment of all who break the laws. What he wanted, and would do all in his power to bring about, was: Few chances of escape for the criminal, short careers for him out of prison, and a reduction of the profits of crime below those of honest labor. In this work an upright, vigilant, active police force was indispensable. Known thieves, criminals by profession, must find no rest for the sole of their foot. The police must hunt them down. It must not wait to catch them in the act. Their trade is their offense. Therefore, drive them into honesty, or into prison. To be effective, a police force must be preventive. It must be such in its organization and action as to make it difficult and laborious to get at property; difficult and laborious to convert it; difficult and laborious to escape detection. The ideal is, to make the number of punishments equal the number of crimes, and it is the business of the Prison Association to accomplish at least an approximation to that ideal.

I am happy, said Dr. Wines, to be confirmed in these views by the authority of eminent gentlemen abroad, who have made this question, in some degree, a specialty, among whom may be named Mr. Edwin Chadwick, of England, and Dr. Despine, of France.

Mr. Chadwick submitted to the late International Penitentiary Congress of London a paper of great ability and good sense, on the subject of a preventive police, in which he gave an account of the labors of a royal commission (of which he was a member), appointed some years ago in England, to examine and report on this question. The commissioners found that the gains of habitual criminals, as a rule, greatly exceeded those obtained by honest toil, and that the criminals spent about one-third of their time in prison, and the other two-thirds at large, plying their craft. The duration of these long careers of uninterrupted villainy are owing mainly to two causes: First, to the adroitness of the criminals; and, secondly, to the fact that the party robbed generally discontinues the prosecution on the restoration of the property.

Instances of the reformation of habitual thieves have hitherto been rare, and the possibility of such reformation is not much believed in by the police. But proof was afforded by the inquiry that careers of habitual depredation had been discontinued because of difficulties which reduced the chances of escape and rendered such depredation less gainful than honest industry, as, for instance, highway robbery by mounted and armed horsemen. Evidence was also given that there were house-breakers who had returned to honest occupations since the institution of the police, because the chances of escape had been so far narrowed that the business no longer paid. What is wanted, therefore, to check criminality, so far as objective agencies are concerned, is, not severe punishments (these have little effect), but few chances of escape, certainty of detection, short careers out of prison, and a reduction of the profits below those of honest industry. To leave the chances wide open, the careers long, and the profits large, and to rely mainly on punitive agencies, is a wisdom akin to that of directing effort to the cure of marsh fevers, while leaving the marshes undrained.

But the efficient action of a police, so far as a successful pursuit of criminals is concerned, depends upon the completeness of its information, and this again upon the effective co-operation of the public in supplying information. The commissioners

found that the police are very incompletely informed as to the number of depredations committed. They also found that the failure of the public to co-operate was owing in some degree to carelessness and a low morality, but much more to: 1, a dread of trouble and vexation arising from the cumbrous forms of penal procedure; 2, the absence of systematic public prosecution; and 3, the fact that the charges of prosecution fall mainly on the party robbed, and this, in addition to the loss and annoyance caused by the depredation. It hence follows that, for the efficient action of a police and a close and successful pursuit, a considerable reform in penal law and administration is necessary, as well as a more general and generous public support.

The chief objective points of a repressive police are, to make it hard to get at property, hard to convert it, and hard to escape detection; and in this way to narrow the chances of escape to the depredator, to shorten his career of impunity, and to reduce his profits below those of honest labor. When these ends are attained, particularly the last, the predatory career will be abandoned. Crime for profit has subsisted and continues to subsist by the absence or inefficiency of systematic organization, devised with a view to detect and punish it.

But Dr. Despine looks at the question from another stand-point. In a work of great breadth and power, on Natural Psychology (*psychologie naturelle*), he says that the end, now chiefly had in view by the agents of the police, is the detection of criminals after the crime, with a view to their punishment. The true end of a police force, he thinks, ought to be to prevent both these evils, viz., the crime and the punishment. To accomplish this noble aim, the courage, address, and artifice of the police agents will not suffice; a special education and instruction must be superadded to the end that they may be made acquainted with the principles of natural psychology. This he looks upon as necessary, in order that they may, to some extent, be capable of weighing the responsibility of persons dominated by the passions, and those in whom the moral sense is either feeble or wholly wanting, and thus may know that these unfortunate beings ought to be soothed by gentleness and guided by wise counsels, rather than excited by the irritating menaces of repression. The government should require in its police agents the greatest politeness, and their example would then become an excellent means of spreading urbanity among the people. These agents would obtain far better results by kind, paternal advice, than by the exercise of military authority. Their severity should be of a kindly character, having, as its principal aim, an incessant watchfulness, which sees evil wherever it is imminent, and prevents it. Only after exhausting all other means, should they have recourse to punishments, which always wound and irritate. What is, at present, the aim of our police agents? To prove the greatest possible number of infractions, that they may be distinguished for their vigilance, and may profit by their share of the fines assessed for these infractions. But the merit of a policeman ought to be measured, not by the number of offenses detected and punished, but by the number of evil proclivities and habits cured without punishment. If the police adopted as its chief function the prevention of crimes and misdemeanors, if politeness and moderation were the rule of conduct in its agents, it would become the most respectable and the most respected of institutions. The prejudice against it would cease, since its employés would be considered as counsellors exercising their functions in a fraternal manner, and not as mere instruments of punishment. Says a wise thinker: "The justice of former times had but one aim, that of making itself feared; the justice of to-day ought to have only that of making itself loved." This sage maxim, announced by Mr. Frederick Thomas, is as exactly adapted to the police as to the bench. If ever it should become a reality as regards the agents of the police, the public would spontaneously give them the name of *officers of the peace*, the only title that would, in that case, be suited to them; and as such, they would ever find coöperation and kindness, in case of need, on the part of all good people.

Dr. Wines said that numerous invitations had been sent out to commissioners, chiefs, and other officers of the police, in different parts of the country, and he regretted that so few of this class of functionaries had responded by their presence. He trusted that it would be different in the coming years. However, a few were in attendance, and one gentleman of considerable distinction in his profession, Mr. Allan Pinkerton, of Chicago, being unable to attend in person, had favored us with a written communication, which would be listened to with interest, though not without a degree of pain, from some of the statements contained in it. Mr. Pinkerton says:

"I have been in the police and detective service about twenty-two years, having commenced the business more from necessity than from choice. The little town of Dundee, Kane county, Illinois, was my home. The place was infested by a gang of horse thieves and counterfeiters. It fell to my lot to arrest a man named Craig, a manufacturer of counterfeit bank notes and spurious gold coin. The details of this operation are fresh in my memory, but they would take too much time and space to tell. Suffice it to say, that from this I was, so to speak, forced into the business, and followed it then as I do now, with reluctance, and not from choice; but after my twenty-two years' experience, I believe myself better suited to the business of a policeman or detective, than for any other calling.

"Since my enrollment in the ranks of the detectives, it has been my fate to encounter many bad men, who were prominently connected with the police-force of different cities, and also with many sheriffs of the same stripe; and my (in many cases) dearly bought experience leads me to say that the whole police system of the United States needs to be changed, since it is rotten to the core.

"The men who are appointed to protect the lives and property of our people, are continually associating with thieves, and drawing money from them at stated periods, often bleeding them to such an extent, as to leave them but a small percentage of the proceeds of their robberies. In too many cases positions on the police are sought simply on account of the facility and protection they give to black-mailing. The police not only get their share of the proceeds of bank robberies, forgeries, etc., but I say—and say fearlessly and boldly—that they even condone murderers, and enable criminals to get up false testimony, and thereby defraud justice of its victim. I need not point out to you any particular locality where this corruption exists, as it is universal. Honest detectives know how hard it is to capture thieves, simply because they are protected and placed on their guard by their paid assistants amongst the police. In many cases the thief is met by the detective in some place of resort, and held to an account as to what he has done. "Did you make anything last night," says the detective, "I have heard that there was a raise made at such a place, and I have got to look it up. You go and look around, and you can easily find who got the goods." On finding out the thief, which the detective easily does, he goes to him and says: "You have committed this robbery, and I will have to take you in. What will you give me to condone the offense?" The thief at once sees that he has no choice but to comply with the demands of the detective, who usually receives from one-third to one-half of the proceeds of the robbery.

"Crime is becoming more fashionable than it was formerly. Many criminals who have learned their business in the United States, find it a good thing for them to start out and see the world; but before leaving they commit a robbery of some kind, give the detective his share, and then tell him they are going to leave. After a lapse of several months they return, having 'made a raise,' as it is sometimes termed, and, as a matter of course, hand over to the detectives their share. Foreign officers, who come to the United States in search of the thieves, are led to believe that strenuous efforts are being made to find them and bring them to justice; while, in reality, nothing of the kind is being done, but, instead, the thieves are shielded by the officers here.

"The business of making criminals is carried on very extensively at the present time, and should meet with a very severe punishment. It is now, as it was in the time of Jonathan Wild, who was engaged in the manufacture of criminals, male and female. Children are taught how to commit crime, and to ignore everything that is good. These children, when apprehended, should be taught some trade or industry, which should not, by any means, be that of making locks or keys, or anything which would enable them to show how easy it is to turn their knowledge to a bad use. Let them be provided with some other work, no matter what, so that they may have no inducement to return to a life of crime.

"Crime always has, to a greater or less extent, existed from the earliest days down to the present time. We must be vigilant in the detection of criminals, though undoubtedly we may have feelings of pity for them, and wish to do what we can for their good; but, at the same time, we must be stern in bringing the offenders to the punishment fixed by the law. Let them understand that their punishment is inevitable, and that it shall be speedily meted out to them. If at all possible, the case should be tried at the first term of court, and not put off from time to time, and from court to court. Let them, at the earliest moment that a fair trial may be had, receive such punishment as their crime merits and the law directs.

"I think that about the first thing to be attempted is, to remedy the evil previously spoken of, viz.: that of the intimacy existing between criminals and detectives, herculean as the task may be. The great question is, how is it to be done? and I scarcely feel competent to undertake an answer. Nearly all the police are more or less imbued with blackmailing principles, and are protected by the pernicious regulations which allow politicians to interfere with the appointing and retaining of men on the police force. If there are any politicians in your convention, they will be able to give you much useful information on this point; but I fear that politicians take little interest in a purely benevolent gathering, such as yours; because, as they would say, 'it doesn't pay.'

"It would be an excellent measure, if it could be brought about, to have one general code of criminal laws throughout the United States, so that every criminal would know that he would have to suffer the same penalty in one state as in another for any offense he might commit. I fear that the suggestion is impracticable, but I throw out the idea for consideration and discussion.

"Whenever a person is convicted, I think that in all cases he should be treated with mildness and humanity. This I have practised throughout my career as a detective, and have always treated criminals with kindness, immediately upon their apprehension, without, indeed, waiting until their conviction. I think they should be shown that they must suffer the penalty with which their crimes are punishable by law, but they should, at the same time, be given to understand that they may have an opportunity to retrieve themselves.

"It is a hard matter to determine how to reform the police system, especially in large cities. I think that all connected with this force should be taught that the severest punishment will be meted out to men who, in the garb of policemen, are receiving pay from thieves, condoning offenses, and allowing burglars and murderers to escape. Everything of that kind should be punished with an iron hand.

"I am in favor of making the appointment of policemen for life—or rather, during good behavior—and I think that this power should be kept out of the reach of politicians. Get as good and intelligent men as possible. Look at the police in any part of the United States. To one who is anything of a physiognomist, a glance would be sufficient to convince him that the greater part of them are not suitable men for their calling; and all such should be removed as speedily as possible. I have found, and do find, at the present time, that many of these men have, indelibly stamped upon their features, the mark of criminal, and is it safe to trust criminals with these men?

By no means. Their desire and endeavor is not to reform criminals, but to keep them at their work.

“I think it would be expedient to have a board appointed by some proper authority—perhaps the Governor and Senate would be as suitable as any—and that this board should be empowered to select the captains and other employés, and that the latter should be amenable to the former for all their actions. On finding a man derelict in his duty, the captain should, when he thinks it necessary, prefer charges to the board, whose action should in all cases be final.

“These few ideas I would beg to submit to the Congress for its consideration. They are but crude, as I am too busy, at the present time, to give the subject the attention which it merits.”

PAPERS SUBMITTED TO THE CONGRESS.

The following papers were presented to the Congress, but, owing to want of time (there being a strong desire on the part of members to return as early as might be to their respective home duties), they were not fully read before the body. Brief synopses of the greater part of them were offered, but not of all. Some were even received after the adjournment; but they are all here given to the public, because, though not all of equal interest or value, they all throw more or less light on different phases of the great problem which at this moment engages the earnest attention of the civilized world—the prevention and repression of crime.

1. SUGGESTIONS ON REFORMATORY SCHOOLS AND PRISON DISCIPLINE FOUNDED ON OBSERVATIONS MADE DURING A VISIT TO THE UNITED STATES.

By MARY CARPENTER, England.

The right mode of treatment by society of neglected and delinquent children, and the reformatory prison discipline of adults, have been the subjects of my close study and of my practical work, during the last quarter of a century. The comparison of the effects of different principles of treatment in different countries has necessarily occupied a place in my investigations, and been brought under my consideration in extensive correspondence.

The Prison Congress in London, of July, 1872, renewed my desire to give such personal inspection of some of the institutions in the United States, respecting which I heard from their representatives, as might enable me to satisfy my mind respecting various principles, about which there had been difference of opinion. I therefore traveled in that country during the months of May, June and July of last year, making reformatory schools and prison discipline chief subjects of inquiry, both there and in Canada.

It would be entirely out of place to obtrude upon a meeting of the National American Prison Association an account of the various institutions which I visited. I may say in general terms that I was struck in all the reformatories I saw, as well as in other institutions for benevolent objects, with the generous and even lavish expenditures freely incurred to promote the welfare of the inmates, and with the love of religion which had stimulated to the erection of so many of them. But having been requested by Dr. Wines, the secretary of this Association, to present to this Congress a matured statement of my views and

principles in their bearing upon the position and wants of the United States, I shall endeavor to do so briefly in this paper.

I will commence with schools for neglected and criminal children, whether reformatories, industrial schools, or simply refuges for orphans.

In all cases, it appears to me, and this is the view now generally adopted in Great Britain, that up to the age of fourteen, the child who has not such a home as will prepare him to take his proper place in society, and is deprived, whether by the course of nature or human laws, of parental control, should be placed by the state, representing society, in a condition as nearly as possible representing a good home. Hence, in all cases, I object to large institutions for children, where individuality is destroyed, and where *there cannot be any home influence. The family system should be represented as completely as circumstances will permit*, the parental control and authority being delegated by the state to the managers of the institution, and the loving spirit of a family being infused by the resident officials and voluntary benevolent effort. The surroundings of the young persons thus brought into an artificial atmosphere should correspond with their natural mode of life, as far as is compatible with sanitary conditions, order, and propriety; while the education and industrial training should be such as to prepare them to discharge well the duties of the condition of life which they may be expected to fill.

Such will be generally found to be the accepted ideas in the development of English Protestant reformatories and industrial schools. The older reformatory schools in New York and Philadelphia were established on the congregated system. That at Westboro, in Massachusetts, was established later, but the family system was never fully adopted in it, and the various serious catastrophes which have befallen it, indicated an entire want of the family spirit. From all I heard, it was rather a juvenile gaol. Shortly before my arrival about eighty boys had absconded. I was not invited to visit the place, and did not believe that I should gain much by going there. I carefully visited the New York Reform School, on Randall's Island, and the pauper schools on the same island. The former is a splendid institution, and managed with great care and effort; but it is carried on, it appears to me, on a false principle. There is no natural life or freedom; young men of an age to have very large experience of vice are associated with young boys; all the arrangements are artificial; instead of the cultivation of the land, which would prepare the youth to seek a sphere far from the dangers of large cities, the boys and young men were

being taught trades, which will confine them to the great centres of an over-crowded population. The girls were being carefully taught, and even too much attention was paid to their personal comfort ; but they were prisoners ; they were not being prepared for a home life, which is the best life of the woman, and could not be so under the existing circumstances. The pauper establishment for children, under municipal management, exhibited yet greater evils ; the arrangements were not nearly so good, and, from a very fallacious idea of economy, the care of the young was, in many cases, confided to men and women of a low and degraded character—convicts from Blackwell's Island. There was nothing in this institution calculated to excite a hope that the young persons there confined were being prepared to lead a useful life. A large free institution, the Juvenile Asylum, a few miles from New York, presented a very different aspect, and had, in its family feeling, in the natural life of the inmates, and, in the country situation, all the elements which did really prepare the young boys and girls received there, to enter homes in the west which would adopt them.

In Philadelphia the same remarks must be applied to the large prison-like buildings both for boys and for girls. Hundreds of youths were there congregated under lock and key, and however good were the arrangements, they entirely failed to convince me that the principle was good, on which the institutions were founded.

The State Reform School of Connecticut, at West Meriden, formed an admirable exception, and was worthy of all praise. It was a farm school, and succeeded admirably. Unhappily, Dr. Hatch, its excellent superintendent, whose spirit called it into existence, is now no more ! It will now be seen whether the size of the institution will prevent the possibility of the maintenance of the institution in its present admirable state under a superintendent less highly gifted and experienced than Dr. Hatch. His equal it would be difficult to find.

I spoke of the pauper children on Randall's Island, and deplored their unfortunate condition, though in an isolated and healthy locality, where, under better management and a true system, admirable agricultural training might have been given to them, which would have prepared them to infuse healthy influences into western homes. Even a worse fate attends the destitute and homeless children of Philadelphia. In that city is a gigantic poor-house, covering a large extent of ground, and with several groups of buildings. The superintendence appeared good and humane, and gentlemen of position and humanity directed the management, which appeared to be as good as, under existing circumstances, it

could be. But within these walls were congregated vast numbers not only of old and infirm persons of both sexes, who, in their separate wards, were well cared for, but numbers of able-bodied criminals, as well as multitudes of lunatics; the former sent here to be maintained at the public expense in daring idleness, because the city prison was already too densely crowded. A most frightful account of the condition of the wards for the insane had been given to me previous to my visit. The truth of this I had not an opportunity of verifying, as I saw only some newly constructed ones, which were admirable in their arrangements and in the care of the inmates. In a department of this institution, in an atmosphere so tainted morally and physically, were the pauper children,—those who should have been surrounded with every wholesome influence, in a healthy country atmosphere, to enable them to grow up to vigorous manhood, after a childhood of suffering and starvation. The smallness of the number surprised me; but I learned that those I saw were only a weak and sickly residue, after all the healthy ones had been adopted to be made useful in families. These poor children should have been in a country sanitarium, rather than in a city poor-house.

In one other place did I see young boys with the deepest sorrow, in a place called the "Tombs," of New York. This is a combined prison and police station on a gigantic scale. There are wards and large rooms, filled with women, who were a disgrace to their sex,—wards for untried prisoners, still innocent in the eye of the law,—a "murderers' ward," where were a number of wretched persons awaiting the sentence of the law; and wards for boys! A number • were here congregated together, of different ages and conditions; some low, daring youths, old in crime; some quiet boys, of gentle blood, whom strange mischance had brought into those dreadful precincts. One night here was enough to contaminate the best! It was probable that some might be rescued the next day, after having undergone this certain contamination; others might stay longer. Why does the celebrated city of New York allow such a place to remain in her midst? Why is she deaf to the expostulations of enlightened philanthropists? Why does she allow a single child to enter here? My visit to the "Tombs" remains but too vividly and painfully impressed on my mind. Would that it could be effaced by the knowledge that it was leveled with the ground!

Independently of those children and young persons who are already occupying those institutions in New York and Philadelphia, there are thousands, and even tens of thousands, who are preparing to

be maintained in them, at great cost to the state, and injury to themselves. It is generally supposed in England, that every child in the United States is educated. I had long been aware of the fallacy of such an idea, from statistics which had reached me many years ago from Boston, Mass., and from the reports of that truly admirable institution, the "Children's Aid Society" of New York. I was not, however, prepared to learn that in Philadelphia, at the time of my visit, at least 25,000 were known not to be in any regular course of instruction, and to observe, in recent statistical returns, that there were more than 60,000 children not attending school in New York. Such figures speak volumes. No state agency as yet exists to grapple with this gigantic evil; and the voluntary effort which is doing its utmost to cope with it, is not utilized by the state as it should be, and is allowed to languish for want of means.

I am well aware that in many other states there are admirable institutions for neglected and destitute, as well as criminal juveniles, conducted on principles similar to those which are accepted in Europe—true homes and farm schools. The reports of many of these I possess. I much regretted that my time and strength did not permit me to visit them. It is to be hoped that many exist, which may serve as models for imitation, where no institutions of the kind are at present found. Without, however, referring to these, I beg to offer to this Congress, the statement of some of the principles which the experience of twenty years of reformatory work in our country has proved to be sound, and adapt them to what I conceive to be the requirements and different conditions of your great nation. Looking at the diversity which exists in your several states, and their independence of each other, I shall confine myself to a very general statement, which appears to me to be the basis of the treatment of all children, who are without proper parental control, and of whom the state must therefore assume the guardianship.

I. The state should assume the control of all young persons under the age of fourteen, who are without proper guardianship. All may be classed together under this age, for there is no distinction between pauper, vagrant, and criminal children, which would require a different system of treatment. Individual cases may, of course, arise, which must be dealt with specially.

II. The state may delegate the guardianship of all such children either to individuals who undertake to adopt them into a family, or to corporate bodies selected by the citizens, who undertake the charge of these young persons in home institutions, to be termed

industrial schools. The state, while delegating parental authority to such persons or corporate bodies, will lay down the conditions which are to be fulfilled by them; will exercise regular inspections, to ascertain that the conditions are complied with, and make such allowance for each child as is agreed upon as necessary.

III. All industrial schools must develop, as far as possible, the conditions of a home. They must be in the country, and must be entirely unconnected with the institutions for pauperism and vice. They should be adapted to prepare the inmates to be respectable, self-supporting citizens; different departments being arranged for infants, boys and girls. It will always be better to have a number of small institutions,* for about fifty inmates each, in different localities, each county supporting one, whether of boys, of girls, or of infants; more voluntary effort and individual interest will thus be called forth. In that case, one Industrial School Board, chosen by the people, would have the general direction, while each school would have its own managing committee. The infant schools should be entirely under female officials, and in all boys' industrial schools there should be a matron.

IV. Ladies as well as gentlemen should always be on the board, as well as on the managing committees.

For details respecting these industrial schools, I refer you to my "Suggestions," "Girls' Reformatory School," and "Certified Industrial Schools," sent herewith.

Young persons above the age of fourteen are generally found in England, and this will probably be still more the case in the United States, to have passed the age of childhood, and the association of these with the inmates of industrial schools, is productive of the greatest evil. This has been found to be the case in the reform schools, of which I have spoken. From a want of proper prison accommodation, numbers of young men, already advanced in crime, have been sent here to avoid exposing them to certain ruin, by association in prison with hardened criminals. For these, special juvenile prisons, or reformatory gaols, should be established, and reformatory treatment should be developed, based on the principles of the Crofton system. Separate institutions may be established for young persons, between fourteen and sixteen, similar to the industrial schools, when a sufficient number of such are found. These juvenile reformatory prisons should in all cases be provided with separate sleeping cells, and have a preparatory stage of not less than a month in solitude; the associated stage may be proceeded

through more rapidly than in ordinary prisons, and farm land should always be attached to the institutions, for an extended intermediate stage, as in the Crofton system.

These reformatory juvenile prisons should also be under the management of a board chosen by the citizens, under the direction of the state.

Should such a system of treatment of young prisoners, with proper guardianship, and of juvenile criminals, be fully developed by every state, we may hope that the gaols which are now overflowing, may be reduced in number, even with an increasing population, and that the present hardened character of adult criminals may become more hopeful. But there will be a constantly increasing supply of subjects for the industrial schools and the juvenile reformatory prisons, to be maintained at great expense to the state, as long as tens of thousands of children are constantly swarming in the streets, uneducated and uncared for. Hospitals, however good, can never prevent a constant supply of patients from an undrained neighborhood.

There must be a certain amount of compulsion exercised on all these children, who do not attend school voluntarily; and if they are in so neglected a condition that they are unable to attend the common schools, then they should be placed in "day industrial schools," where they might still remain under parental care, but where they would be detained the whole day, being taught some industrial work, and receiving such amount of plain food as might be found needful. But in such cases, and in all where it can be shown that there is culpable negligence in the parent, a power must exist in the state to lay the cost of maintenance on the parent, from his earnings. Such a provision is in England found indispensable, to prevent a serious abuse of these schools, and to check parental neglect. The necessity for such day industrial schools will probably not exist in newly-settled districts and in small towns. Wherever it does exist, they ought to be established. The condition of these tens of thousands of children calls for very special consideration. They are too wild and neglected in physical condition to attend the common schools. It would be *most injurious* to separate them all from their parents; the line of demarcation between the "children of the state" and those under parental guardianship ought never lightly to be removed. Let them be placed, without the hand of the policeman, but by a school-board order, in a "day industrial school," where, during the day, they will be under careful guardianship, and prepared for

future life. To prevent any evils arising from such a system, the following provisions would be necessary in England. They may be modified, but the principle preserved, in the United States.

School-boards should be invested with the following powers :

I. Power to establish day industrial (feeding) schools, the expense for food not to exceed 1s. 6d. [equal to thirty-six cents] per week for each child, or to certify as fit and proper such schools established by voluntary effort, and to make the necessary allowances to the managers.

II. Power to send, compulsorily, to such day industrial schools all children who cannot or will not attend the ordinary elementary schools.

III. Power to recover from parents the whole or part of the money so spent in food, and from the guardians of the poor the whole expense of food and education, if the child is chargeable.

I enclose a report of such a school.

The foregoing is a brief sketch of what I observed in the United States respecting the treatment of the neglected and destitute children, with suggestions founded on those observations. I now proceed to speak of the

PRISONS.

During the whole of my stay in the United States and in Canada, I made it my especial object to learn all I could respecting them, both from personal inspection, from conference with those who were experts and had carefully studied the subject of prison discipline, and from published reports. It would evidently be impossible on this occasion to enter into a detailed account of my observations, or to give at length the reasons for suggestions which I shall make. I hope that the following remarks will be kindly received and candidly considered. The full expression of my views will be found in my large work, "Our Convicts," a number of copies of which are still in the United States, and in the small work, "The Crofton System," which I prepared for the London Prison Congress of 1872. It was with full belief in the principles there expressed, that I visited the prisons in the United States. In no one did I see any attempt to develop those principles, nor did I hear that any prison existed where such attempt was made.

The first prison which I visited was that at Charlestown, Mass., which was considered a very good one. Every attention was paid to the comfort of the prisoners which was consistent with discipline.

The cells are generally light and airy, and the general arrangements good. But through the omission of the first stage of separate confinement, and the non-introduction of other principles of the Crofton system, there did not appear to be that ground for hope in the reformation of the convicts, which might otherwise exist.

In the new prison which is in contemplation, it is to be hoped that arrangements will be made fully to develop the three stages of seclusion, association and comparative liberty, by which the Crofton or Irish system is characterized.

Whenever prisons are not properly constructed, it is impossible for officers, however able and devoted to their work, to develop a reformatory system. In ill-constructed prisons, the prisoners are exposed to great demoralization. Severity, and even great cruelty, have been exercised on prisoners in the vain attempt to enforce necessary discipline under such conditions, and excellent wardens are unable to carry out their plans or even to exercise a beneficial influence, as they might otherwise do.

The only gaol in which I saw a distinct attempt to develop a principle, was the Eastern Pennsylvania prison, where the separate system is carried out to its full extent. A close study of this prison inspired me with admiration of the benevolent intentions of those who constructed it, and of those who are now devoting much time and thought to the management of it. But it failed to convince me of the soundness of the principles, on which it is built and conducted.

My inspection of this gaol and conversations with a few of the prisoners fully satisfied my mind that, however completely the end of such a prison may be obtained of quiet, order, and prevention of contamination by association, lengthened isolation could not be carried out on men and women, especially the latter, without such indulgences as are unsuited for a place of punishment, and that the mind was so weakened by repression of the will as to remove the possibility of free, independent action afterwards.

Through the overcrowding of this gaol, there were two prisoners in many of the cells, and there were two lunatics under confinement in it. The intentions of the managers were, therefore, not carried out. A striking instance of the want of success of the system, occurs in the fact that a man, respecting whom Charles Dickens made a special statement in his remarks on this prison thirty-three years ago, is now in the prison for the fifth time since! He appears to have no desire for an independent life, and expresses himself as very happy.

I regret to mention two points which struck me as diminishing the likelihood of reformation. One was the absence of daily worship and the insufficiency of provision for the religious employment of the Sabbath. This I thought a very serious evil. The other was the great facility for visitors to come and visit the gaol as a matter of curiosity. This appeared to me likely to produce an injurious effect on the prisoners, the discipline, and the public.

The county prison of Philadelphia is one which, under the best possible management, cannot fail to increase crime. There are in this prison four large wards, three of which are for men. There is no arrangement for exercise, or for moral or religious improvement. *I saw in the cells two or three prisoners together, without anything to prevent them spending the whole day in idleness and injurious conversation.* A van of prisoners arrested on the preceding day arrived to add to the evil. Although such prisons are intended for short sentences only, two life-sentenced prisoners were there, confined in separate cells. One said that he had worked at shoemaking for seven years in a cell, until his eye-sight became impaired, and he had been five years alone in this. *Should any one be so treated in a Christian country?* There were also lunatics in some cells. How is it possible for the good and devoted warden, and the truly benevolent directors who have charge of that prison, to alter the condition of prisoners in a place so constructed, or prevent it from being a school of vice?

The fourth ward, for women, which was separated from the others, presented a different aspect. It had formerly been in the same state, with two or three women in a cell together, and two hundred or three hundred always there. A short imprisonment in association with their companions in crime had no terror for them. But a sufficient number of new cells were added; every prisoner had a separate cell; and the well-conducted ones were allowed to work in a cheerful wash-house in the prison garden, under proper supervision. A reformatory influence was at once experienced, and the number of prisoners is now less than one-half of what it formerly was.

What present cost to a city or to a state is too great, if made to diminish crime? Who can calculate the evils arising to a city from ill-constructed jails, necessitating a bad system, and day by day increasing the crime in its midst?

With such a prison as this, it is impossible but that crime must be frightfully on the increase in Philadelphia. What number of

charitable institutions can avail anything, when simple justice is not done to our fellow-creatures who are deprived of liberty? To expose persons who have committed a misdemeanor to the most injurious contamination, and to place a wretched man with a life-sentence hanging over him, to be immured in such a den of horrors, seems almost incredible cruelty in a Christian country.

I visited the state penitentiary at Sing Sing, which has been notorious for the barbarities practised in it, and permitted, because not prevented, by the state. I was aware that some years ago a warden of benevolent heart, and acquainted with enlightened principles of prison discipline, had commenced reforms in it, but that these had been suspended by political changes. I had read in the English prints of the renewal of the atrocities. I now learned that the humane warden was again in charge, and I wished to learn the effect of the system he had adopted. In six months only he had succeeded in obtaining a moral influence over the prisoners, whom he treated like men. He had succeeded in making them understand that he desired their welfare, while his duty compelled him to enforce strict discipline. He had won their confidence, and he had obtained their obedience without the employment of any corporal punishment whatever. But the structure and existing regulations of the prison prevented his developing any good reformatory system. The cells were small—three and one-half feet wide—and without a window, solely a grated door opening into a partially ventilated corridor, so that it was impossible to confine prisoners there during the day in addition to twelve hours at night. Even in some of these small cells there were two convicts. The smallness of the cells compelled the congregation of the large mass of prisoners—eleven hundred and fifty men—in one room at breakfast and dinner—a system which is evidently attended with much danger. There was no worship except on Sunday morning; the remainder of that day, which should be devoted to moral and religious improvement as well as to religious instruction, was passed by the convicts in the mournful seclusion of their narrow cells.

In this gaol, as elsewhere, I heard of the great evils caused by the contract system. On the morning of my visit a prisoner escaped through the connivance of the employés of the contractor. I understand that a new gaol is in contemplation. It will, I trust, be built on a plan which will permit the full development of the methods so successfully adopted in the Crofton convict system.

I did not visit any of the county prisons of Massachusetts or

New York, but the official reports prove that most of them are perfectly unfit for their object. They are, in many cases, absolutely demoralizing. The female prisoners are not properly separated from the males, nor are they under proper supervision. It is impossible to calculate the constant increase to the criminal population arising from this source alone.

Innumerable instances might be found where prisoners convicted of some minor offense, but otherwise having a tolerable character, have been ruined for life by such contact with confirmed villains. I have not been able to learn that there is at present any sufficient authority to inspect these prisons; and it seems that when there is an attempt made to introduce a better system, it is always liable to be neutralized by the constant changes of officers, which at present occur from political causes, and which are a radical evil.

The bad condition of many of these county prisons also leads to the commitment of many persons to the state prisons, whose offenses would not require more than a short imprisonment in a well-regulated county prison, with separate confinement, labor, and a somewhat severe dietary.

Wherever I went, I learned that the existing contract system, adopted in gaols, is the source of never-ending evil. An external and independent element is thus introduced into the system of the gaol, and an object other than the reformation of the prisoner becomes the prominent one—the acquisition of money. The evils arising from this system are incalculable. Another radical evil is the want of settled principles, and of a board to enforce the development of them. An evil equally great is the change of good officials with a change of the administration, and the want of stability and confidence in the management thus infused.

With a view to present a basis for future permanent improvement in prison discipline in the United States, I have drawn out the following suggestions, which I respectfully offer for the consideration of the Congress, earnestly hoping that they may be of some use in introducing a sound system of prison discipline in your great country.

I. That a board of commissioners, selected by the governor and senate for their fitness for such duty, and responsible to them, shall be appointed in every state to superintend and regulate the condition of all places of legal detention, and the treatment of the prisoners. The members of such board shall not be removable, except for due cause. Two of the board shall retire annually in rotation, but shall be eligible to reelection.

II. That the board shall have power to enforce the adoption, in all places of detention (gaols, police stations and reformatories), of the general conditions appointed by the state for such places.

III. That the board shall have power to appoint the chief officers of all the state institutions, subject to the approval of the governor. Such officers (warden and religious and moral instructors) being irremovable, except for misconduct or inability; and that it (the board) must sanction the appointment, by local authorities, of such officers in county gaols or reformatories, and all places of legal detention under voluntary management; such officers being irremovable as above.

IV. That the board shall appoint inspectors, who shall visit from time to time, at least twice a year, and whenever it may appear desirable, all gaols and other places of legal detention, all persons in detention having the power of laying any grievance before them; and that the inspectors shall lay a monthly report before the board. The inspectors of all female gaols and institutions to be ladies, who shall recommend to the board for approval all the chief female officials.

V. The board should present annually a complete report to the legislature.

Until some such boards as this are established, with the powers here briefly specified, there will be no security for the due protection of persons, whose liberty has been forfeited by the state, from serious injury, physical and moral, arising from bad system, improper treatment, and the misconduct or neglect of officials. The following regulations should be made into law in each state:

1. Every prisoner to have a separate sleeping cell, which must be light, airy and well ventilated and warmed, and at least six feet by ten, and nine high.

2. Provision to be made for the religious, moral and intellectual instruction of each prisoner, reading the scriptures and prayer being properly conducted every morning, with two hours' instruction or intellectual exercise from six to eight every evening, under an efficient schoolmaster.

3. All gaol buildings to be constructed so as to carry out the object intended. They should be secure, commodious and healthful, with workshops and suitable chapels and school-rooms; and, if possible, land adjoining and belonging to the premises. There should be provision for daily bodily exercise.

4. No persons to be employed with the prisoners who are not

engaged by the warden and under his control. Persons who teach trades to the prisoners should be made regular officers of the prison.

5. No contracts ever to be made for the labor of the prisoners. Contracts made for the work produced must be in accordance with the labor market.

6. All prisons for women to be entirely separate from those for men, and under female officers only.

7. All prisoners, on first entering the prison, to be kept in strictly separate confinement; those in state prisons not less than six months, and those in county gaols not less than one month.

The police prisons and police stations should be under the same regulations. Great evils arise from the disregard of a proper separation of untried prisoners.

Should such changes and regulations be made in the different states of the Union, and, still more, should the principles be accepted and developed as far as practicable by Congress, I believe that a great change would ere long be effected in the criminal classes of the United States. At present, they are generally sent forth from crowded prisons unreformed, because they have had no opportunity afforded them of preparing for a better life. They either add to the actual mass of criminality already existing in the large eastern cities, or they go forth into the vast tracts, as yet thinly peopled, in the west, or into the rising cities in that wonderful region, to sow seeds of evil and misrule, before order and obedience to law have had time to establish themselves firmly. What an awful future rises in prospect! How different was the first settlement of Massachusetts and of Pennsylvania!

Supposing, however, that the public mind of the United States is roused to ward off in time this dreadful evil, and to prevent the danger of an eruption of barbarism springing up from within their own boundaries, I desire, before concluding, to draw attention to one other subject. In a paper which I laid before the Baltimore Congress, I drew attention to the condition of life-sentenced prisoners. That paper was written before my visit to the United States; and I beg permission to conclude with a brief statement of my present views on that subject. At the present time no special arrangements exist for life-sentenced prisoners. The consequence of this is, either that the prisoner under life-sentence, when subjected to the ordinary prison discipline, is drawn by intense mental suffering to suicide, as has occurred in England; or that he is sunk into so distressing a morbid condition (as I have witnessed on the

Continent and in the United States), that death would have seemed preferable.

The consequence of this state of things is that the remission of life-sentences is, in the United States, so frequent, that I was informed that at Sing Sing state prison, New York, six years and a half was the general average of a life-sentence. Hence, when a capital sentence is awarded; the murderer is beginning to calculate, as in the case of a recent parricide in New York, how he may bring to bear influences which may lead to mitigation of his sentence. Such uncertainty frustrates all the ends of punishment. At the same time, the public mind revolts so much against the idea of deliberately depriving of life a human being, that in multitudes of cases sympathy is aroused for the individual, and efforts are made for the remission of sentence, which are frequently successful. We learn from a pamphlet, issued last year by the Howard Association, that at the English winter assizes of December, 1871, there were seven capital sentences. In all of these, strenuous efforts were made by the public to obtain a commutation of sentence, which were successful, except in one case only.

In the Crofton convict system, as in actual operation, both in Great Britain and Ireland, and on which I have based this paper, it is attempted, in the first stage, to bring the convict to a sense of his sinfulness, by submitting him to a period of separate confinement under strict discipline. After having shown, in this primary stage, his determination to submit to the duties imposed on him, he enters on the stage of associated work, where the elements of hope, self-control, and independent exertion are infused into him by a well-arranged system of marks, which enables him to work out a remission of his sentence, to gain various advantages by his own steady efforts, and finally to attain to conditional freedom before the expiration of his shortened imprisonment. This system infuses an element of hope into the prisoner from the first day of his entering the gaol. But what is the condition of the life-sentenced prisoner, if sent without hope of remission of sentence into one of our convict prisons? Henceforth the world around is blotted out for him. He probably enters it in a state of hostility to God and to man. If his mind is, after a time, somewhat distracted from his gloomy thoughts by associated labor, as soon as his cell door closes on him in the evening, they all return upon him with redoubled force, and generally so oppress him as to induce a state of sullen, dogged endurance, or prostration of body or of

mind. Such conditions will be familiar to all who have practically studied the subject. I have seen a man, after confinement in an excellent prison cell for fifteen years, in the United States, become prematurely old, hardened in mind, and now obliged to remain under medical care, and with the indulgences of an invalid. I have seen another miserable man confined day and night in a cell quite unfitted for the residence of a human being, and with no arrangement for daily exercise. He had been seven years employed in making shoes, when, his sight failing, he had dragged on five tedious years without hope of remission, unable to relieve his solitude even by reading. It surely was never intended by the law to subject human beings, however culpable, to such mental torture as is far worse than any physical infliction. Such will be always the difficulty of a life-sentence, if steadily carried out; and without such certainty punishment is valueless. Yet exceptions cannot be made in large establishments in favor of individuals: these would destroy the efficacy of the system.

It is necessary, then, that a different system should be pursued, which would develop the same principles of hope and self-exertion, but in a way adapted to the circumstances, always bearing in mind the necessity of making the law a "terror to evil-doers," as well as of placing the criminal in a condition in which he *can* reform.

Let us now consider what should be the nature of a convict establishment for life-sentenced prisoners.

Selection should, in the first place, be made of a proper site: The safety of society is a primary consideration, and the more secure the locality, the less need is there for those irksome restrictions which irritate the prisoner, and constantly remind him of his situation. If possible, an island should be selected, or better still, two or even three islands, sufficiently near to each other to be within one general surveillance. The choice of the locality should not be guided by the desire to make the residence there as unpleasant as possible, but by adaptation to the object—the reformation of the prisoner. There should be abundance of land, which, by the labor of the convicts, could be made highly productive. A site should be chosen which is sufficiently isolated, and yet not so remote as to prevent the frequent visits of persons whose influence would be beneficial. The land occupied by this institution should be so arranged as to admit of three distinct stages—prisons for separate confinement, for associated labor, and for partial liberty. Besides these, there should be a fourth stage, corresponding to absolute liberty with the ordinary convict. Here there should be little, except

the actual fact of prohibition to pass a certain boundary, which should remind the reformed convict who has attained to it, that he is still under sentence of the law. The space should be sufficiently large for the life-sentenced prisoner at length to have his family around him. Remunerative labor should be provided, by which he may be able to relieve society from the expense of his support, and even to repay what has been spent on him. He might also be permitted to make some provision for his family, and prepare them for their free entrance on life.

While the general arrangements of the convict system should here be adopted, the stages may be passed through more rapidly, and more privileges may be allowed as the result of good conduct, such as communication with friends and the purchase of small articles which may relieve the monotony of the cell. There should also be very careful and scientific medical superintendence of the whole. The mind and the body have much to do with each other, and in such cases particularly.

Should such a system as has been here described be carried out, there might be the greatest certainty of punishment ; society would be secured from fresh injury; while the criminal would have hope infused into his mind, and the possibility of even in this world spending his life happily and usefully; true repentance might again bring him into harmony with God and man, and prepare him for a better world, when called hence by his Creator.

I beg to offer this paper to my friends and the public in the United States, in remembrance of my visit to their country, and to express to them my earnest hope that the result of their efforts to awaken public attention to the importance of a true system of prison discipline may be crowned with success, and may lead to the establishment of a system which may stand forth as a model to the whole world.

2. INFLUENCE OF THE GREAT PRISON CONGRESS OF 1872.

By WILLIAM TALLACK, Secretary of the Howard Association, London.

[Prepared for the Prison Congress of St. Louis, United States, 1874, at the request of the American Prison Association.]

Although separated from Europe by thousands of miles of ocean, the United States has often exerted as great and general an influence on this side of the Atlantic, as some of the chief European nations. Her statesmen, authors and philanthropists live and write for both hemispheres. The simple grandeur of Washington, and Lincoln holds sway over European as over American hearts, whilst the "Emancipation Proclamation" of the latter, like that of the Russian Emperor Alexander II, will shine for ever as one of the sublimest beacon-lights of universal history. The eloquence of Sumner, Wendell Phillips and Lloyd Garrison has echoed beyond the roar of the waves, in lands charmed by the voices of John Bright, Lacordaire, Cavour and Castelar. The soul of John Brown of Ossawatamie "marched on" to stir the pulses of peoples astounded at Garibaldi's more successful but not bolder exploits on behalf of outraged freedom. The campaigns of Grant, Sherman, Lee and Stonewall Jackson excited the interest of European strategists, side by side with the extraordinary ones of Moltke and Bismarck. The great "path-finders" of the western wilderness, as Fremont, by pioneering for the Pacific railway, have equalled the French DeLesseps, of the Suez canal, in promoting the intercourse of western Europe with eastern Asia. Morse, Maury and Cyrus Field, alike with Faraday, Wheatstone and Brunel, have aided the telegraphy, the navigation, and the general international intercourse of both worlds. The heroic explorations of Dr. Livingstone will live in close association with those of the intrepid American Stanley. The poems of Whittier and Longfellow are as cosmopolitan as those of Tennyson and Béranger; whilst the writings of the noble William Ellery Channing have, perhaps, no rival in Europe, in their power of expanding the thoughts and hearts of men. The European, and indeed cosmopolitan, influence thus exerted by the United States, will both continue and increase, if only the nobler and more intelligent portion of American citizens boldly combine to resist

those advances of ultra-democratic lawlessness and corruption, which now constitute the chief danger of the Union.

One of the most striking instances of American influence is afforded by the result of a conference of legislators, statistes and philanthropists, held at Cincinnati in 1870, under the presidency of ex-Governor Seymour, of New York, when it was resolved to memorialize the United States government to convene an International Prison Congress in London. President Grant and both Houses of the American Congress acceded to the proposal; and instructions were forthwith given to American ambassadors abroad to coöperate in accomplishing the desired object. At the same time the government formally accredited as their representative and agent for the work, Dr. E. C. Wines, a gentleman combining, in an eminent degree, the energetic boldness of the New World with the polished culture of the Old. Fortified with high official position and credentials, he traversed Europe in 1871, obtaining access to the chief courts, and securing the coöperation of every government but that of Portugal. The Congress assembled in London in July, 1872, the Earl of Carnarvon being chairman, and was attended by the delegates of twenty-two nations,* including statesmen, jurists, magistrates, experienced prison governors, and other persons especially interested in its objects. The Prince of Wales and the Secretary of State for the Home Department were present, to signify the importance attached by the British government to this great gathering.

It is not possible definitely to gauge and measure the influence of this or any other assembly, convened for the interchange of information and experience, and not endowed with absolute executive powers. But inasmuch as it was personally attended by, and its proceedings extensively reported to, a large number of persons possessing executive powers, as prison administrators and as framers of laws, it is obvious that such a gathering could not fail to give great weight to any decisions that might be reached.

This will be further evident from a brief survey of some of its immediate antecedents and consequences.

Some months before the Congress met, the governments of Russia, Austria, France, Prussia, Bavaria, Saxony, Italy, Belgium, Holland, Denmark, Sweden, Norway, Spain, and several other nations, appointed special commissions to examine into and report upon

* About 100 towns and counties in Great Britain and twenty separate states of the American Union were represented.

their respective prison systems, and personally to lay before the Congress, in London, the information thus obtained. These documents constitute a very valuable collection of official statements.

Whilst the Congress was in session, its proceedings were extensively, though necessarily very imperfectly, diffused by means of the daily newspapers. The assembly was so large and the subjects discussed so numerous, that the various matters brought forward could not possibly receive due attention at the time, so much as by the quiet and deliberate study of this information when subsequently collected and digested. There were also several other reasons why these oral proceedings of the Congress were perhaps its least valuable result, as will be presently explained.

But immediately after the conclusion of the discussions, the real work of utilizing the Congress began, by a series of independent reports and summaries, prepared for the diffusion and perpetuation of the instructive experiences thus presented.

One of the earliest of these summaries of the proceedings was that prepared by the Howard Association, London, copies of which were systematically distributed, chiefly by post, to the principal prison officials, magistrates, editors and legislators of Great Britain, the continent of Europe, North America, Australia, India, New Zealand and other lands.* Shortly after followed a series of short reports in German, Dutch, and other languages, prepared for particular nationalities. A similar series of brief reports were laid before a number of local gatherings in England, by some of their representatives on their return from the Congress. Reports were also prepared by many of the American delegates, for the information of their countrymen. Amongst these may be specially mentioned the valuable document issued by the Hon. Joseph Chandler, representative to the Congress from the state of Pennsylvania.

Then followed a large volume of "Transactions," ably edited by Mr. Edwin Pears, of London, containing, in addition to a brief summary of the discussions, copies in full of the several official reports on the prison systems of various nations, transmitted to the Congress. But the various papers and documents laid before the Congress by its individual and private members, are largely omitted or ignored in this volume.

Subsequently (in 1873) there appeared the very able, comprehensive and most interesting report of the Congress prepared by the

* Copies of this summary may still be obtained of the Secretary of the Association, 5 Bishopgate Without, London, E. C.

accomplished gentleman (Dr. Wines) to whose labors the success of the gathering was in so large a degree owing. This work (issued from the U. S. government printing office, Washington) contains important collateral information from the author's personal observations of the chief prisons of the world, together with thoughtful comments and comparisons relating to the proceedings of the Congress and the questions associated with its objects. To it is also appended an interesting report of the Baltimore Prison Congress of 1873. Altogether this volume merits the highest praise.

Another comprehensive and interesting volume on the Congress and the subjects there discussed was prepared in French, by M. Robin, of Paris, under the title of "*La Question Pénitentiaire*" (Paris, 1873). Dr. Guillaume, the experienced director of the Neufchâtel prison (one of the most remarkable examples of intelligent and successful penitentiary administration) has issued a similar volume. The valuable journal published every month at Rome, "*Rivista di Discipline Carceraria*," admirably edited by Signor M. Beltrani Scalia, inspector general of Italian prisons, has also published a number of papers referring to the Congress. Numerous comments referring to its proceedings further appear in the transactions of the English Social Science Congresses of Plymouth and Norwich.

The influence of the London Congress in giving a fresh impulse to the consideration and discussion of all questions relating to prisons and crime has likewise been manifested in the issue, in various countries, of numerous books and pamphlets, in addition to those just mentioned, and treating, not so much of the Congress itself, as of the general objects which it was designed to promote. Some of these works may not have been directly inspired by the Congress, but the almost simultaneous appearance of so many of them (soon after the gathering in London) indicates a common connection with it, and indeed some of the writers acknowledge its influence upon them. Amongst the works referred to may be mentioned Baron Olivecrona's "Causes of Criminal Recommittals, and their Means of Prevention" (Stockholm, 1873); "Penitentiary Studies" (in Spanish), by Don P. Armengol Y. Cornet (Barcelona, 1873); "National Education and Punishments," by the Right Hon. Sir C. B. Adderly, M. P. (London, 1874); "Swiss Prison Discipline," by Director J. C. Kühne (St. Gall, 1873); "Report on the Working of the Separate System of Imprisonment in Holland," by M. de Vries (The Hague, 1874), and many others.

Whilst it would doubtless be presumptuous to attribute to the London Congress each of the various legislative or corporate movements relating to penal treatment which have since taken place, yet there can be no doubt but that its proceedings (taken in connection with the preliminary visit of Dr. Wines to the chief statesmen of Europe) have materially stimulated practical activity in that direction.

The Italian government, which from the first manifested a very lively interest in promoting the success of the Congress, has appointed a royal commission on criminal questions, and has further prepared a new penal code. In many other ways it is taking active measures to improve the administration of its prisons.

The French and Russian governments have also appointed special commissions on prison discipline, and are instituting improvements in their principal penitentiary establishments. Russia still continues her system of transportation to Siberia, but the exiles are allowed to take their families with them, and hence are not needlessly brutalized by permanent divorce from all home ties. A home has also been recently established at Moscow for the children of the exiles, who, in some cases, cannot be taken with their parents.

A series of valuable parliamentary reports is now being issued on penal discipline, etc., by the French government. Amongst these may be specially named the very able and comprehensive papers contributed to the National Commission by the Viscount d'Haussonville. It is a work displaying great practical wisdom and skill in observation.

The Dutch, German, Belgian, Swiss and Austrian authorities are extending reforms in their previously advanced penal institutions, and it is evident that the eminent officials from these states, who attended the London Congress, returned to their duties, animated afresh to further efficient and successful endeavors.

In Great Britain there are various indications that the Congress has deepened and extended an interest in the several questions discussed. In 1873 an influential conference of magistrates assembled in London, to debate, at greater length than time permitted at the Congress in 1872, the questions of cumulative sentences, corporal punishment, and remunerative prison industry. The resolutions agreed to were laid before the Secretary of State. At some of the local quarter sessions, and on other occasions, increased prominence has been given to several of the subjects brought forward at the Congress. And among prison officials there is manifested a greater willingness to take action on some of its recommendations; as, for example, in affording facilities for the visits of judicious persons

desirous of promoting the moral interests of prisoners. Although it is not much immediate advance that has been made in this way, there are evidences that there is a growing desire for a general legislative revision of the system of penal discipline, and some movement has lately been made towards obtaining the issue of a royal commission on the subject.

The Secretary of State for the Home Department, the Right Hon. R. A. Cross, in response to a delegation that waited upon him to request that a royal commission might issue to inquire what reforms may be needed in the penitentiary system of Great Britain, has this year stated (April, 1874), that the subject of prison discipline is one which is claiming his earnest attention, and that the government intend to take up the question as soon as opportunity permits.

Even in distant Japan (some natives of which attended the Congress) its influence appears to have aroused an interest in its objects, resulting in the formation of a new penal code, greatly in advance of the preëxisting one, and substituting imprisonment instead of capital punishment in the case of many crimes previously punished with death.

As to the United States, the country which originated the Congress and sent a large number of delegates across the Atlantic to attend it, many proofs of deepened interest in penitentiary reform have unquestionably been manifest. The large and enthusiastic Prison Congresses of Cincinnati, Baltimore and St. Louis, the increasingly high standard of reformatory discipline maintained in such model establishments as the prisons of Columbus (Ohio), Detroit (Michigan), Albany (New York), Thomaston (Maine), etc., and the exemplary intelligence, zeal and activity of the respective boards of state charities of the principal states—these and many other signs indicate a great advance in the national interest in the great objects of the London Congress,—an advance much of which has been stimulated by that gathering. At the same time it is a strange anomaly that the vast energy of the American people, who originated this Congress, does not appear to have been able to effect any decided improvement, as yet, in the very numerous county jails, which form the largest class of American prisons,—institutions in which the worst evils of congregate idleness, imperfect separation even of the sexes, corrupt officials, and every kind of bad construction are so general as to retain the United States, in respect to the great majority of their jails, on the low level of Spain, Turkey, Egypt and other mere semi-barbarous nations. Further, this shock-

ing condition of prisons, in connection with a still worse neglect of the insane poor, even in such states as Pennsylvania, and the indifference of the people, as a whole, to the corrupt and constantly changing officialism of these institutions, are doing more to bring republican principles into disrepute than all that Washington, Franklin, Channing and Lincoln ever accomplished for their credit.

Whilst there are abundant signs that the Congress of London has given a world-wide impulse to public sentiment and official action, there are not wanting other evidences that its influence on several very important points was far less than some persons looked for. This was particularly the case with reference to the long-standing controversy on the respective merits of congregate and separate imprisonment, a controversy which the preceding Prison Congresses, of Frankfort-on-the-Main, Brussels, Malines, and Heidelberg had greatly tended to simplify and settle, but which the London Congress further unsettled. This was owing mainly to some local influences temporarily prominent on the occasion ; as, for instance, the circumstance that the arrangements of the Congress were somewhat specially in the hands of certain strongly pronounced friends of one particular system (the Crofton or Irish plan) ; also that the representative of the British government at the Congress, Major du Cane, and also Sir Walter Crofton, were afforded and availed themselves of particular opportunities of advocating the merits of their own systems of congregate or gang labor in convict prisons. Further, the chief foreign delegates were taken by Major du Cane, in a special train, to the Chatham convict public works' prison, and in this, and various other ways, it is incontestable that one side of the question was placed before the Congress under favorable auspices, which were largely lacking to independent critics, and to the advocates of the separate system.

Certain statements were also put forth by influential persons, which conveyed misapprehensions. For example, even Sir W. Crofton stated that the separate system had been formerly tried with English convicts (at Pentonville), for periods of eighteen months, but had been found so injurious that the separation had to be limited to nine months, as at present. At the Frankfort Prison Congress in 1846, which almost unanimously recommended separation, much evidence respecting Pentonville was furnished by Mr. Whitworth Russell (inspector of English prisons), in proof of the success of the plan there adopted. Several years later further confirmatory evidence was given by Rev. Mr. Burt, chaplain at Pentonville, in

his "Results of Separate Confinement." He showed that "mental culture, moral suasion, evangelical instruction (that instruction unimpeded), and the passions unexcited by vitiating intercourse were the distinctive characteristics of the separate system, as it was at first carried out at Pentonville." In proof of its efficiency, he quotes the testimonies of the surgeon-superintendents, in Australia, to whom the convicts were sent after undergoing their separate confinement. One of these stated that there was "not the slightest mental imbecility in any of the 345 men under his charge," although all had undergone cellular separation for eighteen and some for twenty-two months. Further, he found their minds "in a much more healthy state than is usual among ordinary convicts." Yet the Pentonville system was always too rigid. (The officers were instructed to speak to each prisoner as seldom as possible.) It never introduced the needful amount of association with officers and others than criminals. But defective as it was, it still was far superior to the existing gang system. And Mr. Burt, writing after the separation at Pentonville had been substituted by a partially congregate system, proved by statistics that "the insanity under the altered system has been eight times greater than during the four preceding years, when the original system was in full operation." Thus, Sir Walter's statements are quite opposed to the facts adduced by the officers of Pentonville.*

Many such statements were made by certain English officials and their friends at the London Congress, and were so contrary, both to the recommendations of preceding Congresses, and to the experience of many gentlemen present, who had for long years successfully administered the separate system at Louvain, Bruchsal, and other prisons, that an uncertain and confused impression was thereby diffused by the Congress, on this and some other points. As an illustration of this, we find that recently, in the German Parliament, Dr. Eberly appealed to the discussions at the London Congress as being adverse to the separate system. But this view was immediately called in question by the minister of justice and others. Dr. Lasker, in opposing Dr. Eberly, added, "I was myself an opponent of isolation; but since I have had occasion to visit prisons. I have been completely converted to its support."

* In this way arguments against the separate system are continually raised on misstatements of what the system really is, in its true and excellent reality. At the Baltimore Congress, 1873, Mr. Vaux exclaimed, on hearing similar misapprehensions,—“It seems as if there are not five men outside of Pennsylvania, who really understand what the separate system is!” The fictions of novelists and others are assumed as real pictures of the system. The separation should never be (and in the really good separate prisons never is) rigid solitude; but merely entire separation from evil associates.

But although the London Congress gave an uncertain view on various great questions, even its diversity of opinion may have some good result, in modifying extreme views on opposite sides. Thus, as to entire separation, there can be no doubt that whilst facts and experience preponderate in showing the superior efficacy and economy of cellular imprisonment, since three years of such confinement is more reformatory, and more penal also, than seven years of gang labor (this is a special merit of the system, that it is *short* and *sharp*), yet the experiences of Maconochie, at Norfolk Island, and of Crofton, at Lusk Farm, show that for a *selected* class of prisoners, much benefit may also be derived from the principle of a healthy sympathy of numbers. Maconochie said he "could have done nothing with the prisoners separately." The London Congress brought together men experienced both at Lusk and Louvain, at Bruchsal, and Neufchatel—model prisons conducted on opposite systems. Yet it is only fair to add that there is only one Lusk in the British Isles (and for seventy convicts only). The sympathy of numbers in most of English convict prisons seems to result in frequent outbreaks, murders and mutilations, many of which have happened since the Congress met.*

Benefit may also arise from the great diversity of opinion expressed as to whether the penal or the reformatory element should preponderate in prisons. Eventually, and mainly as it appeared through

*Twice in 1873 the Howard Association had to bring before parliament and the government the subject of the numerous mutilations at Chatham gang-prison. It was officially admitted that in the past year, "out of an average of 1692 convicts during the year, there were 1725 admissions to the hospital, being more than one admission for every prisoner, on the average, and 20 deaths; also an increase of abscesses from 153 to 270, and of ulcers from 98 to 247; and a further increase of contusions, from accidents, from 316 to 487; including 17 cases of prisoners purposely fracturing their arms or legs (by thrusting them under wagons and engines); and 24 cases of purposely self-inflicted wounds; these very mutilations being of so severe a character that amputation was immediately necessary in most cases, as the limbs were so mangled as to preclude any hope of recovery." At Portland, Spike Island (Ireland), and other gang-prisons, outrages and murders are from time to time reported. In March, 1874, a dozen convicts ferociously attacked two warders at Portland gang-prison, and then barricaded themselves in cells. Whilst making these statements, it is only fair to add that measures are now being taken, greatly to diminish the mutilations at Chatham. And whilst the gang system of British and Irish convict prisons is to be strongly condemned, great praise is due to the indefatigable exertions of Major Du Cane, and numbers of the officers of all grades, in extending every kind of useful industry amongst the convicts, especially *skilled* trades, such as working in metals, stone work, carving, tailoring, etc. The importance of teaching prisoners *skilled* trades (which cannot be done under sentences of a few weeks or months) can hardly be over-estimated; for most criminals, although entirely ignorant of any handicraft (except picking pockets, etc.), can earn *large* incomes by theft and fraud. If only made to pick oakum, break stones, or make mats while in gaol, they *will not*, on discharge, content themselves with the beggarly income thence derivable. But a good skilled trade will often induce them to lead permanently honest lives. They can also thus obtain employment, whilst, if unskilled, they would have much difficulty in getting work. In extensive training to skilled labor, even the gang-prisons of England are superior to most other prisons in the world—it is only the *gang* part of the system that is so evil.

the majority of American and continental voices, the Congress enunciated the principle that "the moral regeneration of the prisoner should be a primary aim of prison discipline." This conclusion, however, has met with many dissentients, especially in England, both at the Congress and at various discussions since. And certainly there is need, whilst vindicating the reformatory and industrial treatment of criminals, also to insist upon penal and deterrent conditions. It is not merely English but universal "common-sense" to agree that one main object of prison discipline is to keep prisons empty, and that it is spurious mercy so to treat a dozen men in gaol as to make a thousand men outside lose their fear of it, and even commit crime in order to be admitted. Sir Charles Adderley and others have, since the Congress, indulged in a little sarcasm at "those philosophers" in it who greatly overlooked this necessary view. At the Baltimore Prison Congress of 1873, such opinions were still more dangerously advocated. One well-meaning gentleman urged the principle, "Banish the idea of mere punishment: appeal to the manhood of your prisoners; place firstly the reformation of the criminal, secondly the protection of the community"—and so forth. Another speaker (actually a prison governor!) described how he had supplied his prisoners with "luxuries they had not had for years," such as a bowl of strawberries with bread and milk for supper, followed next morning by a breakfast of beefsteak and vegetables. He complacently gave it as a result: "They promised I should have no trouble with them." No doubt. But he did not say how many honest poor men outside may thereby have had their fear of crime removed, and have plunged into vicious courses. Such confessions were not made quite so boldly at the London Congress, or only by a very few; but there was enough to show the need for a sound enunciation of the penal principle.

It is, indeed, a spurious "kindness," or, rather, a real cruelty to make prisons (or even poor-houses, except for the aged, the sick, and the children) attractive. The million outsiders are of far more importance than the thousand prisoners inside. Hence, the first object ought to be general deterrence. By giving prisoners bowls of strawberries, and so forth, we break down the best habits of the honest poor, and tempt to the commission of crimes to procure admission to ease and indulgence. The brutes who violate female chastity, who dash their fists in the faces of poor women, and even infants, who smash the limbs and break the bones of their weaker fellowmen, or of dumb animals—to treat these, and such as these,

with anything but bitter penal retribution is to promote further and more extended cruelty. Hence, none are so cruel as the lackadaisical, pseudo-humane advocates of the strawberries and cream system of prison discipline. But there is far too much of this in American prisons. Hence, we see an increase rather than a decrease of crime in most states of the Union. An undue preponderance of this unhealthy, morbid advocacy certainly lessened the influence of the London Congress.

Yet, that Congress itself pointed out the true means of combining penal with reformatory elements, so as at once to deter the million outside and improve the thousand inside of prison walls by *hard, but also remunerative labor*. Not the Scylla of the strawberries and cream, or the Charybdis of the treadmill and crank. But long, daily tasks of weaving, shoemaking, smith-work, digging, and a score of varied handicraft occupations to be pursued from morn till dewy eve, and the proceeds to be devoted (except a small share by way of stimulus to the worker) to paying for the costs of punishment, to compensate the injured parties, and to relieve the burdened rate-payer. This "paying for the rod for one's own back," the forfeiture of guinea after guinea's work of hard labor, is found, in practice, to be both a severe deterrent and a merciful educator. Towards this end the London Congress lent no uncertain voice.

The supreme importance of a reformatory and preventive treatment for neglected or vicious youth also received very valuable promulgation from the absolute unanimity of the assembly on this subject.

On the whole, the Congress accomplished not merely as much, but considerably more, than might have been expected in the way of arousing a world-wide attention to, and interest in, its objects.

And what it failed to achieve may fairly be attributed either to the reason that it was the first comprehensive International Congress of the kind, or that it is impossible, under any circumstances, to obtain an absolute concurrence on a considerable number of questions submitted to an assembly convened from twenty-two varied nationalities, from ultra democratic as from ultra absolute governments, and from every church and sect under the sun. Considering all these things, the London Congress was a noble scheme—most honorable to its originators, and still more creditable to its organizers—well representative of the governments and peoples of the civilized world, at once harmonious and outspoken in its deliberations, and eminently successful in those results which might be reasonably anticipated from it.

3. SUGGESTIONS ON THE FORMATION OF DISCHARGED PRISONERS' AID SOCIETIES.

By T. LL. MURRAY BROWNE, Esq., Barrister at law, Assistant Inspector of the Local Government Board, Whitehall; late Hon. Secretary of the Metropolitan Discharged Prisoners' Relief Committee in connection with the Reformatory and Refuge Union, London.

[This paper was prepared for home purposes by the eminent author, but it contains thoughts and suggestions pertinent and applicable on this as well as on the other side of the Atlantic.]

In the following pages it is not my principal object to set forth at length the need which exists for the establishment of discharged prisoners' aid societies in districts where they are not at present found. The establishment of such societies has received the sanction of the legislature by the Discharged Prisoners' Aid Societies Act (25-26 Vict., c. 44), to be hereafter referred to. Associations of this nature have also been sanctioned by the quarter sessions of most of our larger counties and towns. Nor has the government of the country been behindhand in giving the stamp of its approval to such institutions.

Lord Morley, when moving, on the part of the government, the second reading of the Prevention of Crime Bill, 1871 (House of Lords, July 24, 1871), said as follows: "He could not pass from this part of the subject without paying a well-deserved tribute of praise to the various prisoners' aid societies, which were doing a vast amount of good. It was only due to these truly charitable associations that the good work they were doing should be made known to the public at large."

The Earl of Derby, when presiding on the 17th January, 1870, at the third annual meeting of the Manchester and Salford Discharged Prisoners' Aid Society, of which he is president, expressed his opinion as follows: "If we had in this country, what we ought to have, an institution of this character connected with every considerable gaol, so that no prisoner having gone through his term of punishment should be turned loose on the world without having the offer of honest employment put fairly before him—I say if that were the case, a very real and substantial impression would be made on the great mass of crime." * * * * *

With Lord Derby, I entertain a strong conviction that every gaol

should have such a society attached to it. And this I urge not only on the ground of that charity which visits those that are in prison, but as mere matter of policy. Our penal legislation, our gaol and police systems, will remain incomplete, until such societies are regarded as a necessary adjunct to every prison. I would plead for the establishment of discharged prisoners' aid societies, in the interest, not so much of the criminal, as of the innocent. Unless discharged prisoners are enabled to support themselves by honest industry, they will assuredly make society support them, either as thieves or as prisoners; and, while so doing, they will corrupt, as well as injure, the innocent. The reformation of those who prey upon society is as important to the honest, as it is to the criminals themselves.

To suppose that the reformation of convicted criminals is hopeless can only be characterized as absurd. Such an expression of opinion may be plausible, though I believe it to be entirely erroneous, when applied to hardened and repeatedly convicted offenders. It cannot be maintained for an instant when it is remembered that the bulk of prisoners in county and borough gaols are there for the first or the second time. And it is to this class that an aid society would mainly, though not exclusively, direct its operations. The idea that the reformation of criminals is hopeless, is also directly opposed to experience. And here I may be allowed to refer to the statistics furnished by the Metropolitan Discharged Prisoners' Relief Committee. Thus it appears that out of the men assisted by this committee, between the 1st March, 1864, and the 1st March, 1866 (*i. e.*, during the first two years of the committee's operations), 149 are known to have led an honest life for five years and upwards. Again, out of the whole 2,565 men, who were sent to the same committee from Cold Bath Fields Prison, during the first seven years of the committee's existence, only 159 have, so far as is known after careful inquiry, returned to crime. Of this number 44 were men who neglected to avail themselves of the aid afforded to them, and upon whom, consequently, little or no money was spent; leaving 115, or only between four and five per cent., who, having been assisted to obtain employment, have been re-convicted.

I believe that the experience of other societies is equally satisfactory.

Nor is it by any means so difficult as is commonly supposed, to obtain work for discharged prisoners when properly assisted by an efficient society. Thus, without mentioning others, I may say that

the Metropolitan Discharged Prisoners' Relief Committee, has, up to the present time, assisted upwards of 5,000 persons; yet in no case has it been found necessary to turn a man adrift who was able and willing to work, because no work could be found for him.

It is not to be supposed that the few observations here made contain anything approaching to an adequate discussion of this important question. They may, however, be sufficient for our purpose. I therefore pass on to the proper subject of this paper, viz., the best and easiest method by which a prisoners' aid society may be formed.

Many people, who fully recognize the value of prisoners' aid societies, and lament the want of such an institution in their own county or town, are deterred from putting their theories into practice by the notion that the establishment of a prisoners' aid society is a very difficult and expensive matter. I desire to show that this is by no means the case—that a prisoners' aid society may be formed with very little trouble and at a very small expense. This may be effected by means of the discharged prisoners' aid societies' act (25-26 Vict., c. 44). The provisions of this act are, shortly, as follows: A society must first be formed. This may be done merely by a few gentlemen agreeing to act as a committee, the act containing no provisions on the subject. When the society is formed, it may be certified by the justices of the county or borough at quarter sessions, as a discharged prisoners' aid society. This having been done, the visiting justices * of any gaol within the jurisdiction in question, may, on the discharge of any prisoner, grant to the society a sum, not exceeding in each case £2 [equal to \$10], to be expended for the benefit of the prisoner in question. Such grants will supply the society with funds; indeed, it is mainly with money thus derived, that the Metropolitan Discharged Prisoners' Relief Committee carries on its operations, the funds derived from subscriptions and donations being comparatively small.

If, therefore, it be desired to form a prisoners' aid society, in the easiest and least expensive manner, the following course will be found practicable. A small number of persons, perhaps a few of the visiting justices of the gaol in question, with a few friends, may vote themselves a discharged prisoners' aid society. The governor or the chaplain, or some other benevolent person, may undertake to act as honorary secretary. The society will meet, and *pro forma*, agree upon a set of rules, as required by act of parliament. The next step will be to apply at quarter sessions, as directed by the act, for

* Corresponding to boards of directors in the United States

a certificate as a discharged prisoners' aid society. This being obtained, the society will be in a position to receive grants of money from visiting justices, under the authority given by the act. If funds are not readily forthcoming, the society may even confine itself to the administration of the sums thus granted by the justices. No offices will be needed; for the business, such as it is, may be carried on in the gaol itself, in the chaplain's room, or elsewhere; nor will a clerk be required. The services of an agent will, however, in most cases be found necessary. The duties of the agent will be to work outside the prison; to take charge of prisoners upon the expiration of their sentence; to find work for them; to provide for their maintenance until they obtain work; and finally to watch over their subsequent conduct so far as may be thought advisable. The salary of this officer will be the only necessary expense which will not be covered by the prison grants. Even here some assistance may be obtained. The visiting justices of the Middlesex county prison allow the Metropolitan Discharged Prisoners' Relief Committee to deduct from each grant made to the society, in respect of a prisoner, a small fixed fee, which is applied in part payment of the salaries of the agents. But supposing that this course is not found to be practicable, the funds required to pay the agent will not be large. A society working for a comparatively small county gaol, and starting upon a limited scale, would not at first require the entire time and energies of its agent. Two days' work in the week would probably be sufficient. It is possible that the visiting justices might be willing to allow to the society the partial services of one of the prison warders, the society of course paying a proportionate part of his salary. Or failing this, an old policeman, with a pension, might be found, who would give a portion of his time to the work. Or an arrangement might be made with some other charitable association in the neighborhood. For instance, a mendicity officer, or a boys' beadle, or even a collector, or the master of a ragged school, might, at the same time, act as the agent of such a prisoners' aid society as I have indicated. In any such case, the salary required would be very small.

Of course a society, working on the very limited scale which I have supposed, would not be able to do everything. It would probably find itself at times hampered by want of means. But it would at least be able to afford relief in the most urgent cases, and to do an immense amount of good. Its further development might be left to time.

LIST OF DISCHARGED PRISONERS' AID SOCIETIES IN ENGLAND.

NAME.	Post Address.	When founded.	Sex of persons aided.	Honorary Secretary.
Aylesbury Discharged Prisoners' Aid Society.....	Aylesbury			
Bath Discharged Prisoners' Aid Society.....	The Gaol, Bath	1842	M. & F.	Rev. J. K. Newton.
Bedford Discharged Prisoners' Aid Society.....	County Prison, Bedford	1874	M. & F.	The Governor.
Birmingham Discharged Prisoners' Aid Society.....	Borough Gaol, Birmingham	1856	M. & F.	Rev. T. W. Peart.
Bristol Discharged Prisoners' Aid Society.....	39 Royal York Cres., Clifton, Bristol	1872	M. & F.	W. R. Browne, Esq.
Carlisle Memorial Refuge.....	Winchester	1864	F.	Rt. Hon. Sir W. Crofton, C. B.
City of London Sheriffs' Fund.....	Newgate Prison, E. C.	1807	M. & F.	
Cornwall Prisoners' Aid Society.....	Lanwithian, Lostwithiel	1872	M. & F.	R. Foster, Esq.
Discharged Female Prisoners' Aid Society.....	Nine Elms House, Wandsworth Rd., S. W.	1864	F.	Mrs. Meredith.
Discharged Prisoners' Aid Society.....	39 Charing Cross, London, S. W.	1857	M.	R. B. Ranken, Esq.
Dundee Discharged Prisoners' Aid Society.....	46 Newvern Street, Dundee.....	1872	.....	J. Scrimgeour.
Durham Refuge for Discharged Prisoners.....	Durham.....	1848	M. & F.	
East Glamorganshire Discharged Prisoners' Aid Society.....	County Gaol, Cardiff.....	1860	M. & F.	C. Waldron, Esq.
East Sussex Discharged Prisoners' Aid Society.....	County Gaol, Lewes	1869	M. & F.	Rev. T. H. Cole.
Elizabeth Fry Refuge.....	Mare Street, Hackney, N. E.	1849	F.	Miss S. Forster.
Essex Discharged Female Prisoners' Aid Society.....	Chelmsford	1863	F.	Mrs. G. M. Earle.
Essex Discharged Male Prisoners' Aid Society.....	Chelmsford	1871	M.	Rev. C. B. Hamilton.
Glasgow Prisoners' Aid Society.....	Glasgow.....	1866	M. & F.	W. Paterson, Esq.
Gloucester Prison Charity Fund.....	Gloucester	1856	M. & F.	Rev. H. G. Layton.
Hampshire Society for the Relief of Destitute Discharged Prisoners.....	County Prison, Winchester.....	1862	M. & F.	Rev. J. A. Ladbrooke.
Kent Discharged Prisoners' Aid Society.....	County Prison, Maidstone	1862	M. & F.	Rev. W. F. C. S. Fraser.
Kingston-upon-Hull Discharged Prisoners' Aid Society.....	Kingston-upon-Hull	1857	.....	Rev. J. A. Wickstead.
Leeds Discharged Prisoners' Aid Society.....	Borough Gaol, Leeds.....	1864	M. & F.	J. R. Ford, Esq., Leeds.
Manchester and Salford Discharged Prisoners' Aid Society.....	110 King Street, Manchester.....	1866	M. & F.	J. L. Aspland, Esq.
Metropolitan Discharged Prisoners' Relief Committee.....	40 Chancery Lane, E. C.	1864	M.	J. C. Colvill, Esq.
Middlesex Society for Promoting the Reformation and Employment of Discharged Prisoners.....	Sessions House, Clerkenwell.....	1856	M. & F.	C. Wright, Esq.
Newcastle Discharged Female Prisoners' Aid Society.....	Newcastle-upon-Tyne .....	.....	F.	J. R. P. Robins, Esq.
North Staffordshire Discharged Prisoners' Aid Society.....	County Gaol, Stafford	1865	M. & F.	Rev. W. Vincent.
Portsmouth Discharged Prisoners' Aid Society.....	Borough Gaol, Portsmouth	1874	M. & F.	D. W. Ford, Esq.
Refuge for the Destitute.....	Manor House, Dalton, N. E.	1805	F.	Rev. H. M. Baker.
South Staffordshire Discharged Prisoners' Aid Society.....	County Gaol, Stafford	1865	M. & F.	Rev. W. Vincent.
Southampton Ladies' Prison Visiting Association.....	Mrs. Westlake, The Firs, Portswood .....	.....	F.	Mrs. Westlake.
Southampton Discharged Prisoners' Aid Society.....	Borough Gaol, Southampton.....	1874	M.	The Governor.

LIST OF DISCHARGED PRISONERS' AID SOCIETIES IN ENGLAND—

Continued.

NAME.	Post Address.	When founded.	Sex of persons aided.	Honorary Secretary.
Surrey Society for the Employment and Reformation of Discharged Prisoners.....	House of Correction, Wandsworth Common.....	1824	M. & F.	R. Onslow, Esq.
Usk Discharged Prisoners' Aid Society.....	The Gaol, Usk.....	1865	M. & F.	J. Cadwallader, Esq.
Warwickshire Discharged Prisoners' Aid Society....	County Gaol, Warwick.....	1835	M. & F.	Rev. J. Richardson.
West Derby Hundred Discharged Prisoners' Aid Society.....	Kirkdale, Gaol, Liverpool.....	.....	.....	Rev. O. F. Pigot.
Westminster Memorial Refuge.....	Russell House, Streatham, S. W..	1872	F.	W. B. Ranken, Esq.
West Riding Industrial Home for Discharged Female Prisoners.....	Wakefield.....	1847	F.	Mrs. Godfrey Armitage.
West Riding Industrial Home for Discharged Male Prisoners.....	Wakefield.....	1864	M.	Captain G. Armitage.
Wilts Discharged Prisoners' Aid Society.....	Wilts County Gaol, Devizes.....	1870	M. & F.	Rev. W. P. S. Bingham.
Worcestershire Prisoners' Aid Society.....	County Gaol, Worcester.....	1850	.....	Rev. J. Pearson.

4. TREATMENT OF DISCHARGED PRISONERS — WHETHER THEIR ANTECEDENTS SHOULD BE MADE KNOWN TO EMPLOYERS.

By T. B. LL. BAKER, Visiting Justice, England.

Mr. Barwick Baker, one of the earliest and most thoughtful among the friends of prison reform in England, has addressed a communication to his "Brother Justices of the County of Gloucester," on the above subject, of which he has furnished a copy to the secretary of the National Prison Association, and the greater part of which is printed below.

Gentlemen : Let me ask a share of your consideration for some conflicting principles which have not been very much discussed of late, though ten years ago they occupied much public attention, but which I think it is time should be again brought to notice, and their relative value determined.

The question has been and is—First, whether, when a prisoner has undergone his allotted sentence of imprisonment, he should be considered as a debtor who has paid his debt and is entitled to begin a fresh score—as one who has fully atoned for all the wrong done, and is fit to be received by society on an absolute equality with those who have always lived honestly :

Or, secondly, whether it is not desirable for the sake of the prisoner, quite as much as for the sake of the public, that both the police and his employer should know the whole truth, so as to avoid placing too great temptation in the way of his (as yet) infirm honesty, pains being taken at the same time to find him work in places of not much trust, where his weakness is known and guarded against, until by long, steady conduct he has regained the character he had for a time forfeited :

Or, thirdly, whether we should acknowledge that such a man's honesty is probably infirm—that he is not as desirable an employé as we could wish—but that we should charitably leave him to get a place as he can, perhaps with a forged character ; at any rate without warning his master of the risk of loss he is running, or of the risk of ruin to his servant by exposing him to temptations which his weakness is unable to withstand, and all because we are too charitable to tell the truth.

Now, here are three principles and three courses of action. All

have had highly respectable supporters ; all have had public approval in their day. Let us consider how public opinion has changed from one course to another ; and, what is not quite the same, but often comes to the same thing, in the long run, what is right and true and best for mankind.

The first theory was earnestly maintained twenty years ago by some most amiable friends of mine of the old ultra-philanthropic school, who had great tenderness for all who suffered. They held that men only did wrong because they were not kindly treated, and that taking a burglar into your service as plate-butler would infallibly cure him of all evil propensities. But it was urged more strongly, on the other side, that this was not found to be the case, and the burglar was not cured ; while the idea of atonement for wrong done was in no degree applicable. A man may (humanly speaking) atone for a wrong done by a full recompense to the person injured, and by a long course of voluntary good conduct ; but the idea of atonement by being shut up against his will in a cell at a great additional cost, instead of recompense to the society he has injured, is wholly inadmissible.

Of the second course I will say little here, except that I adopted it very long ago as my own belief, and that I have long fought for it under the banners of such men as Walter Crofton and Matthew Davenport Hill, and in some cases in the houses of parliament even against the ministry of the day.

The third course, strange to say, had for a time its strong supporters. Many were the cases in which prisoners, when convicted, appealed to the mercy of the judge or magistrate, and assured him that they had had the misfortune of being in prison once or twice before, that they had always come out quite reformed and desirous of living honestly ; but just as they had obtained places in most respectable situations of high trust, those cruel policemen came and told the truth, and lost them the places they had obtained by a lie, and left them no choice but to return to crime. It appeared in many of the arguments used at this period, that nothing was considered more innocent than to make a false statement or use a false character for the sake of obtaining an employment of trust—nothing more cruel or wicked than to tell the truth, if it deprived a man of what he had gained by falsehood.

Now let us see the course that public opinion has taken for twenty years or more, and if I refer too much to my own opinions and feelings, believe that it is only because I wish rather to speak of the

things I have seen and known, than those which I have only heard at second-hand.

In 1852, when we began our reformatory work, I was much thrown with men who, in London or elsewhere, were engaged in the somewhat irregular efforts of that day to give a chance of honesty to discharged prisoners. At that time, and for some years before, trade had been dull, employment was hard to procure even by the honest, while the public mind seemed to be possessed with the idea that all the shades of dishonesty were equal, and that if a man had ever been in prison he ought to be driven away—quite forgetful of the fact that we could not kill him, that he must exist somewhere, and that for every one whom they drove from one place, another would probably be driven to it from elsewhere. The only hope of reformatory managers in those days was to send our boys out as emigrants; and here began a difference of opinion between myself and most of my friends, they holding that it was a great advantage that they would begin the world afresh, with an untarnished character, while I regretted that they would not have the wholesome discipline of *regaining a character*. However, before any of our reformatory boys were fit to send out, the Crimean war had carried off large numbers, employment was plentiful, and I had opportunity to carry out the principle I had always advocated of finding work for them in this country, with masters who knew of their failings. For a time I had much difficulty; for the early reformatory laws did not give us the powers which we now possess of licensing them on trial; yet even then I never sent a boy from the reformatory without finding him a place of work where his character was known. This I considered a triumph in those days, till it was thrown into the shade by the extraordinary success with discharged prisoners in London, of which I shall speak presently.

For nearly twenty years we have rarely found even a difficulty in getting a suitable place for any boy we consider fit to leave us; but we rarely, if ever, wish to put them at first in places of trust or temptation. We have always held strongly that a boy ought to be considered to have forfeited his character by the act for which he was committed to us—not irretrievably, but for the time; and that this character can be regained, not by his suffering an involuntary punishment, not by good behavior while under restraint, not by our charitably forgiving and begging the neighbors to forget or conceal *the truth*, but only by manfully and honestly

acknowledging that the character is deservedly deteriorated, and can be restored by long voluntary good conduct alone.

In addition to this, an order was sent us about 1860 to report every Christmas to the Home Office the present state of every boy whose sentence had expired within three years. As we frequently discharge them on license two years before the expiration of the sentence, this sometimes compels us to keep a close watch on them (generally through the police) for five years after they leave us; and, though some of my reformatory brethren were at first frightened at the measure, I think that all now allow that the keeping our watch upon them for several years (for we rarely lose sight of one of them) has a far better effect than the allowing them to keep their characters secret.

Take another case. When our colonies began to object to receiving our convicts—or, which was the truer reason, when increased commerce had given facilities for convicts to escape and return home, unless they were *kept in prison* at a far higher cost and with less safety than they would be kept at in England—the government determined to try the system of a tripartite sentence; the first portion to be passed in separation, the second in associated labor, the third in apparently free labor, but under the supervision of the police—*i. e.*, that a man on leaving prison should not be free to recommence at once his evil courses, but should be watched for a time, and, if necessary, his liberty restricted. This good intention, however, was not carried out for many years. It was found *difficult* to procure at that time places for all, if their characters were fairly stated, and the authorities wished to escape the trouble and cost of keeping them for the full time in the convict prison; so they gave them, in form, a license or ticket-of-leave, ordering them to report themselves to the police, but telling them at the same time privately to do no such thing; but to keep their own secret, and get employment where they could and how they could.

Here we have the great typical experiment of the system, so much extolled, of letting a man find his own way back into society without any slur on his character, or rather, let us say, with the stain concealed. The whole press of the country bore witness for many years to the wretched failure of what was perversely called the ticket-of-leave system, but which consisted simply in ignoring the good provisions of the ticket-of-leave.

Meanwhile, Captain (now Sir Walter) Crofton commenced, in 1854, his grand system in Ireland. Beginning with the same

grounds as our English system, he simply carried the system out, and did not let the convicts go till places were found for them, and a watch was carefully kept upon them, the employers of the convicts being made fully aware of their antecedents. In 1861, I went round with Baron von Holtzendorff and Colonel Akroyd to talk with a large number of tradesmen of Dublin, some of a very high class, who employed discharged convicts, and they told us that, though at first they had not much liked taking them, they now hoped never to be without some of them; as, though they did not trust them with money, yet, being under watch of the police, and feeling that they were on trial to *regain their character*, they were more to be relied on for steady work than the ordinary workmen.

I need not here expatiate on Crofton's system. It has been approved by, I believe, every civilized nation of the world, has been carried out by many, and is being gradually adopted by others. Within the last few months I have heard that a ticket-of-leave, with careful supervision, has been established with great success in Switzerland, and I have no doubt that it will spread through the world.

Let me state another case where the characters of discharged prisoners have been made known instead of being concealed. In March, 1864, at the request of the Reformatory and Refuge Union, Mr. Murray Browne commenced the Metropolitan Discharged Prisoners' Relief Committee, with the honest determination of making known to the employer the character of every man for whom he found a place. It was anticipated that he would get employment for but few, and he was prepared to be contented with small success at first, if he could gain that small portion honestly. Yet what was the result? During the eight years that he managed it, 4,412 prisoners were passed through his hands, and not one of these did he throw back on society without finding him a place where he could earn an honest living if he pleased, with his character and his weakness known—not indeed a place of trust and responsibility for which he would be unfit, but a place where he might regain a character, and where we may fairly say that a large proportion did so, as of nearly 3,000 men who were assisted on their discharge from Coldbath Fields prison only about five per cent. were re-committed at all, and of those many were so for only slight offenses. From the time this system commenced, although out of the 11,000 or 12,000 annually discharged from Coldbath Fields prison only about 400 have sought the aid of the society, we have ceased to hear the

formerly constant complaints of men being forced to return to crime in consequence of their not being able to get honest work.

I need hardly refer to the change in public opinion (led on by the success of the before-mentioned measures), which has sanctioned the present system of police supervision of habitual criminals. Though very imperfectly carried out as yet throughout England, it has been allowed, in all places where pains have been taken with it, to be a great success.

Now I would ask for your consideration whether—if these facts be fairly stated, as I believe them to be, and if no other facts can be shown on the other side, and I am aware of none such—we are not justified in concluding that it is not ruinous to discharged prisoners, but, on the other hand, better for them in the long run, as well as safer for the public, that their character should be known, and that they should be taken at their true and not a fictitious value? It appears that the public mind has come round very much to this opinion. But there is another view yet to be taken into account.

Which is the more honest and true course, and the more likely to give safety to the public? If we find a shilling of doubtful appearance in our purse, is it more honest to shuffle it with some others and try to pass it to a stranger, or to take it to a bank and ask if it be good or no? If we have a horse of dangerous vice, is it quite honest to sell him without warning the buyer of his danger? If we have cause to suspect that an ox is likely to sicken with the rinderpest, have we a right to sell him to a drover to take to a distant market? If we know that a man's honesty is, to say the least, somewhat infirm, have we a right to "leave him to get work as he best can," probably by a direct lie, at any rate in ignorance of his weakness?

But I shall be told that charity requires us to be kind and forgiving to those who have erred, and above all to do nothing to hinder their getting an honest livelihood. Now *true* charity is a quality I greatly honor; but when charity consists in a *suppressio veri*, I greatly doubt its truth, or its being beneficial in the long run. We have seen that in the case of reformatory boys, of ticket-of-leave men in England and Ireland, of discharged prisoners in London and elsewhere, and of men under police supervision, they are not prevented from gaining an honest living by the fact of their characters being known. They may not find places quite so easily; they will not often gain places of trust; but they can and do find places, and they are saved from a terrible and not very unfrequent danger.

If a man has got a place without his antecedents being known, and by good conduct has gained the esteem of his master and is highly trusted, and then is recognized by some rascal who has seen him in the dock and threatens to peach and demands hush-money, the poor wretch is entirely in the rascal's hands, and may be driven, first to give up every shilling he has saved, and after that to plundering his master to any extent—to prevent—what? Why, to prevent *the truth* from being known. Had he never concealed or been allowed to conceal the truth, he would have risen more slowly, but he would have been safe.

But another objection is made to letting the truth be known. It is said that the judge or chairman or justice has passed a sentence of imprisonment on the prisoner which is exactly adequate to the offense, and therefore the additional labor and care of honestly *regaining a character* known to be damaged, would be so much in excess of the proper degree. Surely this objection cannot be allowed? Can we feel sure that our judges and justices can weigh accurately the heinousness of the crime and the pain of imprisonment so as to adapt exactly the degree of the one to the other, and yet refuse them credit for being able to take into account the additional trouble of regaining a character, and shortening the imprisonment in proportion?

But if so, how great will be our gain in every way? We have long accepted imprisonment as our only punishment for crime. Yet we cannot deny that it is nearly as unsatisfactory a remedy as we can imagine; that it is very costly to the honest (nearly 600,000*l.* a year for gaols, and above 100,000*l.* for convicts, besides the cost, which cannot be estimated, of the maintenance of their families by the unions); that it is unequal in its degree of pain, one man feeling three or four times as much pain as another under the same sentence; that it has little reformatory effect; and that its deterrent effect—the only one it has—is very uncertain. On the other hand, the task of *regaining a character* costs not a sou to the honest: it stimulates, almost compels, a man into a high and ennobling work; it fixes in his mind, and those of others, the *value of a character* by the difficulty of *regaining* it; and it renders far more safe those who have more or less regained this precious character. Can we doubt that the more of the costless, safe, and reformatory punishment we can substitute for our present expensive and useless system, the better?

It has long been the general rule of, and orders to, the police, that that they should, as far as possible, “abstain from all interference”

with discharged prisoners or convicts. I do not think it has ever been clearly stated whether, if a policeman knew that a discharged swindler were employed as cashier at a bank, it would be his duty to inform the manager or no. Forgive my saying that I think this requires to be rectified; not by the police themselves, but by the recommendation of the justices. There still exist among us many people, though their numbers are greatly diminished, who would at once raise the cry of "cruel police!" and any cry, however unjust or absurd, against so extremely valuable a body, is to be avoided. If it be done at all, it should be by an order of quarter sessions: "That the superintendents of police should use what means they fairly can to obtain places of honest work for discharged convicts or prisoners, honestly acquainting the employers with the circumstances of the case; but that if it shall come to their knowledge that any discharged convict or prisoner be employed in any situation where it is probable that the employer is in ignorance of the truth, he shall (if you please, after consultation with the chief constable), with due privacy and delicacy, acquaint such employer with the facts; and that copies of this order should be read or given to all prisoners discharged from gaol, and all convicts licensed to the county."

Were this done, I have little doubt that the justice and utility of the measure would be soon recognized; that discharged convicts and prisoners would find work quite as readily as heretofore, though not in places of trust; and that the task of *regaining a character* would be an excellent substitute for some portion of the imprisonment.

5. WHETHER CRIME OUGHT TO BE, AND CAN BE, EXTIRPATED BY SOCIETY ?

By WILLIAM WATSON, Esq., ex-Sheriff of Aberdeenshire, Scotland.

While abroad, since the Congress of St. Louis, for the purpose of attending a meeting of the permanent International Penitentiary Commission at Brussels, the secretary paid a visit to Edinburgh for the purpose of having an interview with ex-Sheriff Watson, whose labors in behalf of neglected and exposed children in Aberdeen, have given him so wide and honorable a fame. After passing four hours with him at his residence, Norton House, Ratho, seven miles from Edinburgh, on his return to that city the secretary addressed to him the following note: "The Douglas Hotel, Edinburgh, June 13th, 1874. My Dear Mr. Watson—In my very interesting conversation with you this afternoon, among other striking remarks, you made one which impressed me profoundly, viz.: 'That there ought to be no such thing as crime; society should prevent it entirely.' Such a remark, coming from an ordinary man, would have produced little effect, but, made by Sheriff Watson, it startled me. I had never dared to extend my hopes even as far as your faith seems to go. Reflecting on your observation, I said to myself, the sheriff must have a theory upon this subject; he is not a random talker. I confess that I am curious to learn your theory, and to know the process by which you think such a result attainable. May I, then, venture to ask what agencies you would employ for the accomplishment of an object so blessed in itself, and so much to be desired by all good men?"

In reply to the above request, Mr. Watson has communicated the following paper.

My belief in the ultimate cessation of crime is founded on the conviction that an answer will be given to the prayer daily repeated by ten thousand tongues, "Thy kingdom come, Thy will be done on earth as it is done in heaven," that kingdom being one of righteousness, from which all evil will be excluded. If we do not hope for and expect such an answer, what are you and I and many others laboring for? Surely not the mere abatement, but the total extinction, of crime; and to that end we are striving to learn the moral and social laws by which the world is governed; and having learned them ourselves, to teach others to know them also, so that by-and-by all may come to know them, and neither through willfulness nor ignorance will any of them be broken, because all will clearly see the evil of breaking them. Till this time arrives our business is to inquire, "What is crime? what are its causes? and how is it to be prevented?"

Crime is any act done with the felonious intent of injuring the person or property of another; for acts enjoined or forbidden by the

state for the supposed social well-being of the community by which no one is injured, though sanctioned by pains and penalties, are not crimes, and their punishment often causes more evil than good. It may be deemed expedient for social or political ends to require the registration of births, deaths and marriages, and to forbid the beating of carpets, rugs, and mats after eight o'clock in the morning, and to punish the violators by fine and imprisonment; but no man of common sense would call the omission or commission of the acts criminal, or judge harshly of those who omitted or committed them.

Limiting crimes, therefore, to felonious wrongs done to others, it is obvious that they are of two kinds, and are caused by two different sets of motives. The one class are injurious to the person, being caused by the malevolent affections; the other, injurious to property, being caused by the acquisitive propensities. To guard against and prevent these different kinds of offenses, different modes of punishment and prevention must be applied. Statesmen seem not to be aware of this, and hence they enact laws the tendency of which is to aggravate the evils they are intended to prevent.

This will be seen in our inquiry into the causes of crime. The far greater number of crimes resulting in injury to the person—indeed, it may be said, nearly the whole of them—are caused by the intemperate use of intoxicating drinks, exciting the irascible and combative faculties beyond the power of the will to control. The far greater number of the violations of the rights of property are committed by persons who, by the neglect of the state and the church, are left in such a state of ignorance and want, that, unable to help themselves, they think themselves obliged, for their support, to prey on the property of others.

A thoughtful writer says that we might have vast hopes for mankind, in the future, if man would only take time to look about him. It is thus that the statesman can do so much for us. His main idea ought to be, to render life more easy to all the people whom he has to govern, and to give them more time for thought, for enjoyment, and for discovery. But looking at recent legislation, one is tempted to say that the time of the statesman has been occupied in restraining thought, enjoyment, and discovery by the enactment of laws based on erroneous principles, and producing injurious results. Thus the English poor-law enactment gives to the idle and intemperate a claim for support from the sober and industrious. It sets the poor against the rich and the rich against the poor, thus destroying

all kindly sympathy between them, and obliging the rich to oppose every possible obstacle to the supposed factitious claims of the poor. The general and local police acts, differing in many particulars, agree in containing a great many trifling enactments, the unconscious violation of which causes a vast amount of pecuniary loss and personal suffering to the poor ignorant violators.

Are these things so? By the injudicious administration of the poor laws, by inadequate allowances to the aged and infirm, and by the indiscriminate application of the odious poor's house test, many weakly men and women, deserted wives, and mothers of illegitimate children, are compelled to beg and steal, thereby causing loss and damage to the farmers and others in rural districts. The head constable reports that there are about 20,000 vagrants within the limits of the country police, of whom about 22 per cent. are children, who are fast treading in the footsteps of their parents, most of them being without education of any kind, except in begging and stealing. He further reports that the trespass act, passed for the prevention of vagrancy, is of little avail, there being so many ways of evading it. The general and local police acts cause an enormous increase in the number of commitments and recommitments to prison, to the great loss and prejudice of offenders. The population of Scotland increased from 3,062,294 in 1861, to 3,358,613 in 1871; the increase being almost wholly of the town population, who are alone affected by police legislation. The average yearly number of commitments to all the prisons, during the five years ending 1861, was 18,375; the number committed during 1870 was 28,850. The average number of recommitments during the five years was 8,019; during 1870, it was 14,804. Of the first number, 654 had been committed twenty times and upwards, and of the latter, 1,230 had been so recommitted. The preventive means in operation, industrial and reformatory schools, had kept down the commitments of juveniles, while the police acts had increased the number of adults. The average number of juveniles under 18 years of age was, during the five years, 2,206, and during 1870 the number was 2,720; while the average number of adults above 21, during the five years, was 14,012, and during 1870 the number was 22,550. There can be no doubt that a vast proportion of these law breakers committed their offenses through ignorance; for though it is the admitted right of the state to punish, yet it is the state's evident duty to instruct. But while the state is sufficiently free and easy in the exercise of the right, it is very slack in the performance of the duty. Of the 28,850 com-

mitments in 1870, 21,784 were of persons who could not read at all, or could only read with difficulty ; and 26,820 could not write, or could merely sign their names, or write with difficulty.

The trifling character of a vast number of the offenses, which resulted in imprisonment, is shown by the fact that during 1870, 11,740 of the sentences were for periods not exceeding sixty days, and 13,908 were for indefinite periods, on account of the parties having been unable to pay the fines imposed, or find security for their good conduct. Yet, notwithstanding these numerous petty offenses and repeated imprisonments, there was no increase of serious crime. During the five years the average number sentenced to imprisonment for a year and upwards, was 265, and to penal servitude 288 ; while during 1870 the number sentenced to the like periods of imprisonment was 327, and to penal servitude 227 ; thus showing that the really criminal population is by no means large, and is evidently not on the increase, and giving encouragement to us to persevere in our labor of well-doing. There can be little doubt that crime is mainly, if not solely, caused by ignorance, poverty, intemperance, and vicious legislation, and that it can only be prevented by enlightening the ignorant, providing for the essential wants of the poor, training the intemperate to be sober and saving, and adjusting punishment to the nature and degree of the offense.

These things have not been done, and the question is, how are they to be effected ? It may be safely assumed that it is much better and cheaper to prevent than to punish, for punishment, always costly, is not always productive of the results hoped for and intended. To prevent crime, the nature of man must be carefully studied, and the effect of the laws that regulate his conduct anxiously observed, so that we may be fitly qualified to cultivate the faculties that tend to his well doing, and impede the development and growth of those that tend to evil. I am persuaded that these laws are of divine origin, and as uniform in their effects as the laws of the physical universe, and that the happiness or misery of mankind, in whatever state or condition, depends, in a great degree, if not entirely, on the measure or extent of the obedience paid to them ; were it not so, we would work altogether in the dark, expecting good out of evil, and evil out of good, and making the moral world a perfectly insoluble enigma. How vastly important it is, therefore, to know them, and, knowing them, to act according to their dictates. But human laws are often opposed to the divine, and when this is the case, disastrous results must ensue. We every day see laws made, or meant to be made, for the promotion

of man's happiness, but not being in accordance with his moral nature, they only tend to the production of misery. This is remarkably the case in the laws relating to the support of the poor, and the education of the young. The poor must always be with us, for no human arrangements can prevent old age, infirmity and indigence; but through obedience to the divine impulse of benevolence, regulated by the promptings of enlightened judgment, the downward path to the grave might be made smoother and more easy, and much involuntary crime be prevented. I have known aged women, who had no other resting place than the prison, the doors of which had hardly been closed on letting them out, when they had to be opened again to let them in—they having openly committed theft to obtain the shelter it afforded—a shelter which they could procure no where else. In most civilized nations charity is reckoned a virtue, and in most religions it is a commanded duty; so it is plain that the care of the aged and infirm should be taken from the unsympathetic and given to the sympathetic—that is, it should be taken from the parochial board, composed of rate payers, and given to the church, or religious body, to which they respectively belong. By such transference the legal claims of the pauper would be removed, the unseemly contests between paupers and poor law inspectors prevented, and the costly machinery of the poor law entirely abolished.

It may be objected that numbers of the poor do not belong to any religious body, and so have no one to look to for the supply of their wants. But to be without religion, and separated from all religious fellowship, are evils of the gravest sort, and no efforts should be spared to counteract them. To this end, I know no better way than to leave them to the kindly sympathy that would be awakened under a free, voluntary system for those who stood in need of temporal and spiritual comfort and assistance.

Then national education should be extended and adapted to all classes, especially to the poorest, who are most exposed to the evils resulting from ignorance and want. But the education, even of the well-to-do working classes under the late education act, is exceedingly meagre, consisting of little more than the elements of reading, writing and arithmetic, and these are not brought within reach of the poorest, who most need the cultivation of their moral, religious and physical powers, to enable them to compete in the labor market with those who have had greater home and school advantages. The industrial school, after the Aberdeen model, has been found to be well suited for the education of the destitute, whose parents are

unable to pay school fees, or even to provide sufficient food and clothing to enable their children to attend any common day school. In the industrial school, food and necessary clothing are given, and the children receive moral, religious and intellectual instruction during four hours, and, in return, give five hours' work in such kind of hand labor as they are capable of performing. In such a school the discipline should be gentle but firm. Nothing subdues the unruly like kindness. The children should be taught to read, write and cipher with ease and accuracy ; to speak the truth and respect the property of others ; to be well acquainted with geography and the products of different countries ; to know the elements of geology or some other physical or natural science ; and to exercise their bodily powers in running, leaping, and swimming. Girls should be taught to make and mend their own clothes, and to cook their own and the family food. So trained and educated, they will see the importance and necessity of self-reliance, and be enabled to enter the labor market with the consciousness that they can compete with the children of the better conditioned classes, who, seeing the competitors they have to meet, will strive to maintain, by improved education, the superiority they now possess ; and thus a healthy and honorable rivalry will be created.

But such is the sad state of many of the lapsed classes, that they are unable to give their children any support after leaving school and getting into employment. This is often of such a kind that the earnings derived from it are insufficient to provide food, clothing, and shelter, and, having no one to look to for help, they are apt to fall back into the ranks of the idle and vicious, out of which their previous training had enabled them to escape. To aid such, an institution was lately established in Edinburgh, which provides a home for them, giving food and clothing, and receiving the whole of the wages earned, if less than the sum expended on their account. This institution has been attended with a considerable amount of success, but as it is kept up entirely by voluntary contributions, there is difficulty in obtaining the necessary funds.

If all these means for the prevention of crime fail in their intended effect, punishment calculated to deter and reform must be imposed ; and it ought to be a principle in all punishment to require the wrong-doer to compensate, as far as possible, the loss or injury sustained by the party aggrieved, and such restitution should be made before any part of the fine or value of labor goes into the pockets of the state or the police.

6. REFORMATORY PRISON DISCIPLINE—WHAT IS IT, AND BY WHAT AGENCIES TO BE ATTAINED ?

By Z. R. BROCKWAY, ex-Superintendent of the Detroit House of Correction.

The reformation of prisoners is one of the recognized purposes of imprisonment throughout the civilized world. It is enjoined by the constitution of several of the states of our Union ; modern legislation aims at it ; and the popular mind responds to the idea. But no practically reformatory prison system prevails anywhere in the United States ; much doubt of the possibility of such a system exists ; and the importance of reforming prisoners seems undervalued.

The census of the United States for 1870 gives the number of prisoners on the first day of June as 32,901, exclusive of those in houses of refuge, houses of correction and institutions of kindred character ; so that the estimate of Dr. Wines, secretary of the National Prison Association, that the prison population is 40,000, is probably somewhat too large.* Dr. Bittinger says that only one-twelfth of the offenders get into prison, in which case the 40,000 prisoners is but one-twelfth of the public offenders, whose aggregate must thus reach 333,333, of whom 88-100 are abroad in the community. If, as this calculation seems to indicate, the aggregate of public offenders is contained between the numbers 300,000 and 400,000, then the problem of suppressing, or of measurably preventing, crimes may not be an impossible one. If the average period of the detention of prisoners under sentence in all classes of prisons does not exceed twelve months each, then one-eighth of all offenders are brought under treatment annually, so that the prison system itself must exert a powerful influence. It is a matter of great importance to society whether 40,000 prisoners, or any portion of them, are annually released with intensified vicious tendencies, or are so reformed as to exert a salutary moral influence among their associates. There is manifestly an intimate relation between criminal law and crime, perhaps as cause and effect. Not so much an immediate effect as the general diffusion of a type of mind, favorable or unfav-

* 40,000 may be somewhat in excess of the actual number, but 33,000 is certainly much too low.

avorable to crime. Doubtless the laws and institutions, comprehensively viewed, indicate the tone of the people from which they emanate ; but is there not a reciprocal effect also wrought upon the character of the people by their laws and institutions ? The sanguinary horrors of the ancient Roman criminal laws, the cruelty and injustice of feudal laws, the excommunications, anathemas and degradations of the canon laws, the severity of more modern European criminal codes, and the retributive penalties of our own criminal law, have none of them ever efficiently prevented crimes, to say the least, and it is more than probable that they have contributed to crime. The mitigation of severe penalties, noticeable in England during the last hundred years, appears to have produced a quite uniform diminution of the crimes to which they were attached. It is believed that laws and establishments of a true reformatory prison system, by their silent moral influence, would in due time perceptibly modify the criminal tendencies of the exposed classes in society, and thus operate to prevent crimes.

The reformation of prisoners is important, because it is essential to the adequate protection of society. If imprisonment for crimes may with propriety be imposed, it is for the reason that the offender is dangerous because of some peculiarity of character or circumstances. It would seem, therefore, but the veriest trifling to release prisoners from the necessary restraints before the danger is over. The prisoner must either be reformed, or remain restrained ; else society surrenders the justification for imprisoning at all, thus stultifying itself by its own act ; and, since to imprison all criminals perpetually would entail burdens and wrongs greater than the crimes themselves, the reformation of prisoners becomes the *sine qua non* of protection, as well as important for prevention.

The reformation of wrong character is not a well-defined idea in the popular mind, but reformed conduct is readily appreciated. The object of the reformation of prisoners is to secure reformed conduct ; and all efforts by the state to reform character must be for this end. There is a popular impression that the criminal impulse is a product of some supernatural spirit of evil pervading the mind, of which the subject is clearly conscious, as well as of the presence of an opposite influence ; that a conscious struggle for supremacy ensues between these opposite influences, which is finally determined by the will in the exercise of absolute freedom. This school believe in retributive, intimidating penalties. They hold that, whatever the moral condition of a man may be at any time, it is always the result of his own volitions. If

he is evil, he is guilty, and should suffer pain in proportion to his guilt. Another view is that all wrong is irrational : hence, a wrong act is evidence of a defective mind ; and, since crimes are wrong, the indication is that the criminal possesses an aberrant intellect ; that his impulses may be unrecognized or uncontrollable ; that he may have a false view of his own interests, or have no regard for those interests ; that he may be possessed of ordinary intelligence and ambition, but, having a paralyzed or undeveloped moral sense, be unable to rightly distinguish moral qualities ; and that he may be intelligent, and yet may commit crimes from imbecility of the will. This view recognizes the agency of hereditary predisposition and of unfavorable circumstances, as causes of degeneracy, whether physical, mental or moral ; also the intimate relation between bodily health, mental states, and moral phenomena.

It is the opinion of the writer that the prevalence of the first view (all too briefly stated) underlies every prison system that exists, whether in the United States or in Europe ; and that any modifications and progress made toward a truly reformatory prison system depends upon the presence of the principles of the latter view, and of the practices deduced therefrom.

The reformation of prisoners differs from the reformation of free-men, not in the subjective transformations wrought, but in the means operating to produce them ; the citizen remaining under the play of the formative forces of society, while the prisoner's social circumstances are restricted by authority. Unless one has been prone to fall into crime, he can scarcely appreciate the counteracting influence existing in society. The struggle for subsistence, while sometimes engendering a strife that culminates in crime, is, nevertheless, in the main, conducive to correct conduct through the forbearance and friendship growing out of mutual dependency. The adage, " honesty is the best policy," is but formulating the principle that every good sought by dishonesty, or other form of selfishness, is best promoted by the opposite principle, viz., integrity and a just regard for the rights and welfare of others. Actual experience in society should soon show that there is no real advancement in the public esteem, except that based upon respectability, or, in other words, rightness. Such are the connections formed, in the family and out of it, that there are others to be injured by our misconduct ; so that the affections, and even the sentiment of pity, restrain. This regard for others influencing the life until the benevolent affections broaden, an interest is awakened in society at large, whose wants and woes may win the

thoughts to contemplations of the Author, the Governor, the Father of all. Of these natural, healthful sentiments and moulding influences, the prisoner, under present systems, is, for the most part, deprived. His daily wants are supplied by the state, and no opportunity is afforded for the accumulation of gain. Thus, the first natural incentive to effort is lost, being replaced with the hurtful and, usually, hateful human authority. Advancement in favor with fellow prisoners is by bravado and trickery, while favor with the officers is by a sycophantic subserviency, whose practice deteriorates the mind, ultimately driving out that love of approbation, which so powerfully influences the citizen. The prisoner is surrounded by no tender ties to be injured or sundered by misconduct; so the force of the affections for good is also lost. Being excluded from free social intercourse, no interest is maintained in those about him, and his thoughts and aims become self-centered. The arrest, trial, retributive if not vindictive penalty imposed, and the sense of social alienation, tend to breed bitterness, or a spirit of bitterness and antagonism towards society and towards God. Certainly such a system cannot be of practical reformatory value, but, on the contrary, unless some new agency is introduced, must actually repress reformation.

Premising that there are many prisoners whose criminality is the result of temporary unfortunate maladjustment of outward circumstances and who have not yet the "criminal nature," that reformed conduct for these may be secured by simply improving their situation in society, and that there may be others wholly incorrigible, it may be safely said that certain important subjective changes are necessary to the reformation of the others, who constitute the mass. The natural impulses must be brought under the control of the moral sense, be regulated by reason, and controlled by the will; in other words, the benevolent emotions must, by some means, be given preponderance over the malevolent affections; or the intellectual faculties must be so trained that a true perception of morals shall be had, and also of the real interest of every man, namely, to live right; or the will must be so cultured as to control arbitrarily, keeping the conduct in accord with statutory law and the current moral sentiment of society. A somewhat extended observation of prisoners has convinced me that the criminal impulse is not so much a product of intrinsic personal depravity, as of undeveloped moral faculties or a dormant will; and that the proper education of the faculties, revealing to the mind the true moral quality of conduct, releases the apparently enchained conscience, very greatly assisting

to produce reformation. With some prisoners it seems only necessary to develop self-control, when the other faculties immediately, as it were, fall into line, and a reform is effected. Every step towards the due adjustment of the faculties of the mind bears fruit at once in modifying irregularities of conduct, and tends to produce the desired propriety of deportment. I have observed instances of radical reform, beginning with sudden and violent emotional excitement, stimulating a subsequent increased activity of the reflective faculties and the will ; but usually in such cases there has been considerable previous culture of the higher faculties ; otherwise such reformations are apt to be ephemeral. Good impulses, clear intelligence, and a strong will constitute a strong character, upon which much reliance can be placed. The reformation of prisoners, then, is to be wrought within their minds by such cultivation of the faculties, both mental and moral, as makes possible an habitual and just discrimination, together with a practical development of manliness by the practice of self-control.

The reliance for this difficult and delicate work is at present quite insufficient, consisting of—

First.—The pain inflicted by imprisonment—anguish of mind or body, or of both—supposed to produce penitence.

Second.—Compulsory labor, designed to cultivate the habit and love of industry.

Third.—The preaching and persuasion of the chaplain, the expected effect of which is, that prisoners shall forsake sin and live thereafter devoted religious lives.

Fourth.—Some feeble reliance is beginning to be had upon the kind demeanor of prison officers, instead of the usual austerity.

Fifth.—Education, so-called (which is but an apology for education), and perhaps an occasional day of recreation, with relaxation of ordinary disciplinary restraint. This is the whole of it.

We need to consider and determine which of two principles shall underlie and inspire our efforts to reform prisoners, viz. : the principle of punishment and religious exhortation, or the principle of cultivation, including religion. The prevalence in the mind of the idea of punishment, endured to satisfy the law, is observed to be pernicious in its effects ; but conscious suffering for remedial ends is of ennobling influence. Among prisoners I have found very different effects upon their conduct towards the rule of the prison, whether they view penalties as retributive and intimidating, or as helpful to themselves, and intended to counteract, as far as possible

the evil influence of their disobedience upon their associates. Punishment, properly so-called, may sometimes be necessary to maintain public order temporarily, but it is in itself an evil, and rarely, if ever, aids right moral development. It is apt to confirm those infirm conditions of head and heart, out of which crimes do come. The prophet Isaiah expresses it in the words, "Why should ye be stricken any more; ye will revolt more and more; the *whole head is sick, the whole heart is faint.*" Unless prisoners can be brought to govern their conduct without the use of intimidating penalties, there is little hope of their reformation; for there can be no such certainty of detection and punishment of crimes as to exert a positive influence. There must be a new dispensation of remedial treatment and kindly cultivation, coupled with a firm holding of restraint without relaxation.

In mixed society there is great propriety in the use of religious persuasion universally, because it is impossible to ascertain the more exact demands of different minds, or to meet the demands, when found, with more definite means. But prisoners may be more thoroughly known and particularly treated. There are states of mind or conditions of character, under which the common religious ministrations are more likely to do damage than to prove beneficial. There is a "casting of pearls before swine," a "giving of that which is holy to dogs." The value of religious influences, rightly applied for reformation, can scarcely be over-estimated; but this is not all. There is generally needed, among prisoners, much preliminary culture, preparing the mind for religious influences. Therefore I do not hesitate to say that the principle of punishment and religious exhortation, as at present practised, is not the best for the end desired; but the true procedure is by cultivation, that shall culminate in a sound moral and religious development.

Now, what is essential to produce better and more uniform results, such as all must desire?

1. The principle of reformatory or indefinite sentences, which involves, of course, centralized control of the whole prison system of the state, a series of establishments graduated to the proposed treatment, and some authorized supervision of prisoners after their release from domiciliary residence.

2. Based upon the above, some more efficient application and operation of the principle of hope.

3. A thorough system of cultivation, including physical renovation, intellectual education, and moral and religious impression.

The first requisite of a better system, as stated above, is designed to secure the uninterrupted control of the prisoner by a competent governing head; and since the process is to be wrought within the mind, it must not be disturbed by influences arbitrarily introduced by third parties, nor cut short by the termination of the sentence, nor repressed by its undue prolongation, nor diverted by other hope of release than by due improvement and preparation therefor. This involves such changes in our laws and judicial system, as that the courts shall simply commit to custodial restraint, without ordering as to the duration of detention, or the degree of restraint to be maintained, or the particular treatment of the prisoner, but leaving this part of the matter to a board of commissioners, or a court, created for that purpose, which shall determine, from time to time, as each case may require—being governed by observations of the prisoner to be had while under treatment. The system must provide means for putting the prisoner upon advancement at once, substantially as under the celebrated Irish prison system of Sir Walter Crofton. It must also provide the moral restraints and assistance of an interested and authorized friend to follow the course of the prisoner after his release from confinement. It must shut out from the prisoner's mind the hope of release by pardon, judicial clemency, or the expiration of sentence, and the demoralizing effects of such expectations; presenting, instead, the strongest motive for effort in accord with the reformatory plans of the authorities, which, along with the prisoner, are seeking his earliest proper release. Thus the very foundation of a good hope is laid, viz.: that of earnest desire, while the facilities afforded for improvement must supplement the desire with reasonable expectations, whereby hope shall become an efficient agent for reformation, and the work of cultivation may move forward with steadiness and certainty.

It is a fact not generally known outside of the circle of prison officials, that prisoners are commonly hopeless, by which I do not mean that they are in despair, but rather without any active desire for improvement, until it is awakened by some extraneous influence—a task generally found quite difficult. Doubtless most prisoners who are not, like the beasts, utterly indifferent to everything but the present, have hope of release from imprisonment, if not by escape or executive or judicial clemency, then by lapse of time and termination of their sentence; and the expectation may assist to sustain them in labor and waiting, without destructive depression. But this is only the hope of returning to their old associates and life, with a better

chance of escaping detection and imprisonment next time. This hope *must* be supplanted by the better one, before any active reformatory progress can be made. The system of sentences suggested will be most efficient for this; indeed, it seems the only known agency to accomplish it, and therefore is appropriately first in the requisites of a reformatory system. [The proper discussion of the principle of indefinite sentences and a description of its machinery would, of themselves, occupy the entire limits of a separate paper, and so is passed by here.]

It is found that even under time sentences, in the occasional cases where the hope of reformation has seized upon the mind, the thought of release relaxes its power gradually, until the prisoner, who is really improving, may be trusted without the common security of bolts, bars, or guards, thus completely supplanting that form of selfishness, which in prison leads to the infraction of rules and plans to escape, and in society to crimes. I have recently sent off with a government surveying party, in an honorable position, one who, from ignorance of the most primary school knowledge when admitted to prison, has advanced into the higher branches of mathematics and general education, until well fitted for his place; who, while under sentence for ten years, faithfully (during a period of four years) performed the duties of night watchman alone and unattended, over one of the cellular wings of the prison, with its hundred occupants, availing himself of these night hours to pursue his studies. The hope of becoming a civil engineer has proved a most salutary inspiration for this man, rendering possible the culture he has gained in prison.

The operation of hope upon a prisoner's mind I have been able to trace somewhat as follows: The painful desire for release, first felt on admission to prison, soon relieved by the expectation of securing it, is, after a time, lost sight of in the satisfaction of conscious improvement. Then hope needs a new stimulant, which is readily supplied by an opportunity to aid others in prison, and by the prospect of usefulness after enlargement. The two-fold motive, viz., the desire for personal social advancement and the impulse of benevolent endeavor, now need to be skillfully blended by the prison manager, when a new and nobler wish for restoration to society will appear. Usually, at this point, the prisoner will have a depressing sense of the stigma attaching to imprisonment in the public esteem, to be encountered on his release. The best ministry for such a state is personal converse with those who have triumphed over sim-

ilar difficulties, the published lives of such men, and assurances of aid from a competent source, while the study of the life of Christ as the martyr to the noblest cause, and as revealing the divine sympathy with all, sometimes gives a sense of the presence, power and love of God so real that the soul leans on Him, and is at rest and strong.

Given the following conditions, viz. : the prisoners held under a reformatory sentence, a competent central board or court, qualified officers having in charge the several duly graded establishments of the system, the supervising agents for prisoners conditionally released, and divine aid being ever counted upon so far as we are in harmony with the natural order of moral development—the reformation of prisoners becomes a work of detail, whose success depends much upon skillful administration. The administration of a prison or prison system for reformation may be considered under the following heads, viz. : Examination, classification, medical care, industrial occupation, intellectual education, moral and religious impression, domiciliary detention, and subsequent supervision.

1. The examination of prisoners on admission should be most careful, comprehensive and minute, ascertaining the circumstances surrounding the particular act for which they are committed, the bodily conditions at the time of such act, and the habitual tendencies of mind. This involves a history of the prisoner from his birth and all possible knowledge of his ancestors for two or three generations.

2. Based upon this examination, classification must be made and constantly modified, as experience dictates. No proper classification can be based solely upon the crime committed, nor upon the age of the prisoner, nor upon conduct as to prison rules, nor should it be too strictly upon the basis of character, good or bad, for sometimes mutual benefit to each is derived from limited contact of divergent characters with each other. A wise classification will combine elements, or exclude them, in view of all the interests involved, viz. : Health, government, pecuniary support, security, scholastic instruction, moral influences—the individual interests of each prisoner and of the whole having their appropriate weight. This work, popularly supposed to be simple and easy, is found practically to be extremely difficult, and there is room here for the exercise of the highest human wisdom and the most careful experiment.

3. Morbid mental conditions, from which crimes emanate, are often the product of nervous diseases or disturbances, produced by unfavorable sanitary circumstances. A skillful physician should apply

such scientific remedies as may be desirable, but much more than this should be done. The whole matter of hygiene is as important for the moral reformation of prisoners as it can be for the mental restoration of the insane. There have come under my own observation very interesting instances of change in the animal appetites, wrought through active and continued mental occupation, and also of the most palpable effects upon the mind by changes in the quantity and quality of food taken. Of course such observable effects require considerable time to evolve, but every effect of this nature, traceable to a cause, is of importance, and should be duly observed and considered.

4. The employment of prisoners in prison for reformative ends should be remunerative and of the highest type possible for them under the circumstances. It must be compulsory when needs be, but cannot become an actual agent for good, until cheerfully, if not voluntarily, engaged in. I do not believe that prisoners should at first or ever have the option to labor or not, as has been proposed lately by Mr. Alexander, of Missouri. Yet the principle would be incorporated into the last establishment of the graduated series under our system, with this reserve, that if in any case idleness should develop, the prisoner would be returned to another grade, where different inducements to industry inhere. Probably a mixed system of employment, partly under contract and partly under direct proprietorship of the state, would be best at present.

5. The great lever for lifting prisoners into a higher moral and intellectual atmosphere is their education, using the term to include a certain degree of moral culture as well as simple intellection. Actual experience has shown that adult prisoners may make three or four times the rate of progress in the same scholastical studies that the scholars in our public schools make, and without interfering at all with the industrial or disciplinary interests of the prison. The minds of prisoners may be so directed and absorbed, that there shall be little room or opportunity for those thoughts and imaginings that constitute its degradation. This must be effected by a proper adjustment of exercises, viz.: study, recitation, and oral instruction given to them collectively—including lectures, which should be often on the natural sciences, that the study and pursuit of these may be induced, "for they furnish a most valuable training of the intellectual faculties through the steps of observation, generalization, abstraction, and inductive and deductive reasoning." Of course, such instruction must be simplified and adapted to the minds

to be taught, but it is believed that increased knowledge of this kind confers an increased feeling of self-respect and of duty, and also an increased power to perform the latter. I have found instruction in music and drawing, the employment of prisoners as teachers, and the formation of a normal class and of a literary society, each and all, valuable means of promoting reformation.

6. For moral and religious impressions upon prisoners, it is of the first importance that the officers and every one in authority should themselves be high-toned in this regard. With pure character, a generous, manly bearing, and good common sense, the happiest moral effects may be produced. General religious exercises must be maintained, but of what particular type is not important, so that the instruction is rational, sincere, scriptural, and without bigotry. It is, after all, the harmony of all these means that is most needed, rather than any particular value attaching to any one over another.

7. The question to what extent offenders who are now committed to prison might, under a reformed system, be conditionally released, or be better treated without imprisonment, is one of great interest, but can only be determined by experiment. While there are probably prisoners in every prison who should never be released, there is, on the contrary, a considerable percentage of the whole who might be soon restored to society without public injury, and with advantage to themselves. We are likely to under-estimate the absorbent energy of free society. The sum of degeneracy, not culminating in crimes, is a hideous conception, but seems to be counteracted or neutralized by other influences growing out of individual necessities and relations, so that crimes are the exception and not the rule, as this view would lead us to expect. Imprisonment is but the least of two evils under any system, and can never be anything else under the best system to be devised. Hence it is worthy of inquiry whether there are not many offenses and offenders for which, and for whom, imprisonment might not now be abolished. The governor of an important state, says, after an examination of the prisoners in the state prison: "If it were not for the shock to the public sense likely to ensue, I might safely release one-third of the prisoners within sixty days, and with beneficial effect upon all."

8. With power properly lodged for conditionally releasing prisoners, supervising them somewhat while at large, and for recommitting them, if need be, as is proposed under the reformatory sentence plan, there can be no doubt but a sifting process may be carried on among prisoners, sending out those worthy from time to time, with

salutary effects. But the reformation of prisoners is affected also by their arrest and temporary detention in station-houses and jails, by their trial, and indeed by their whole treatment from the moment the law fastens itself upon them, and it would contribute to the success of reformatory effort in prison, if important reform could be introduced here.

There is great reason to hope that with a proper prison system, supported by the public sentiment, a very large proportion of prisoners may be reformed in the sense in which that term is used in this paper, and that crimes may be, to an extent now scarcely dreamed of, repressed. Such a system cannot be provided in any state until the people at large have more information on the subject, and a more decided interest in it. It is cause for gratulation that in this matter the promptings of true public policy and of benevolence both lead to the same practical measures in the treatment of prisoners, for when the humane sentiment of the people supports the statesman, the desired reform seems quite within reach.

7. THE FREE LABOR THEORY OF PRISON DISCIPLINE.

By AUGUSTUS W. ALEXANDER, Secretary of the Board of Guardians of the State of Missouri.

The theory maintained in this essay is the one referred to by Mr. Brockway, in the preceding paper. Mr. Alexander, its author, brought the question before the Congress by a motion that a special committee of five be appointed to consider and report upon it during the sessions at St. Louis. The motion was adopted, and the committee, as constituted by the chair, was composed of A. W. Alexander, Missouri; Theo. T. Nevin, Pennsylvania; Henry Cordier, Pennsylvania; W. W. Rice, Maine; and M. M. Bane, Illinois. A report was subsequently presented to the Congress, which, in answer to a question from the president (Mr. Vaux), Mr. Alexander said had been agreed to by a majority of the committee. The report was referred by the chair to the business committee, who reported that there was scarcely time at that meeting to discuss adequately so grave and novel a proposition, and come to a satisfactory conclusion. It was, therefore, on a motion submitted by the business committee, referred to the standing committee on prison discipline, to be reported upon at the next annual Congress. The paper prepared by Mr. Alexander, and offered as a report on the part of the special committee, is as follows:

The committee to whom was referred the question of the feasibility of the Free Labor Theory of Prison Discipline, have had the subject under consideration, and have thought it would be a full compliance with the duty assigned, to set forth the fundamental features and principles of the theory, and leave it to the Congress to take such action as its own wisdom may dictate. The fact that your committee have had but a few hours in which to prepare a report, will be the justification for extracting, substantially, a presentation of this subject as heretofore made in an official capacity by Mr. Alexander, of your committee.

GENERAL FEATURES.

The existing theory of prison discipline, inherited from antiquity, is a slave theory. It asserts the right of the state to compel the convict to labor, and to take the fruits of his labor. This is servitude. The free labor theory is different, fundamentally. It denies the right of the state to compel his labor, or to take the fruit of his labor. Justice, the *sum cuique tribuere* of Justinian, belongs to the convict, as it does to all sentient beings. This theory forbids the state to interfere with the convict's freedom as regards his labor; but, on the other hand, leaves him to the inexorable compulsion which nature imposes by holding him responsible for his own free conduct. As

soon as he is locked within prison walls, the safety of society, the one only legitimate object of imprisonment, is secured perfectly. Once there, society has no further claims on him. Neither has he by his crime procured any additional claims on society. The means of earning a livelihood being furnished to the able-bodied adult convict, it rests absolutely in his own choice, free so far as man's will is concerned, whether he will earn his living and get it, or refuse to earn it and starve. In short, slavery in prisons will be abolished. Even so simple is the free labor theory.

OBJECT OF IMPRISONMENT.

Before we are prepared to consider the manner in which prisons should be conducted and prisoners be treated, it is necessary to determine what is the intended use of a prison, what is the ultimate object of imprisonment. If we fix on a wrong object, and one lying in a wrong direction, whatever progress we may make in attaining that object will be progress in error.

1. It is sometimes said that the object of imprisonment is punishment. This is opposed to the Christian idea which declares the infliction of punishment as an end a divine prerogative. If punishment of the prisoner were the ultimate object of imprisonment, the penologist would study to promote, not his well-being, but his ill-being, by shutting him off from all that would make him happier or better, and by surrounding him with whatever could intensify his misery or increase his depravity. It seems unnecessary to demonstrate that infliction of pain is not the ultimate object of imprisonment.

2. It is sometimes held that reformation of the offender is the object. This opinion is, in some sense, the opposite of the former. Both are the offspring of sentiment: this, of the sentiment of sympathy with the prisoner, that of the sentiment of antipathy against him. It is a fatal objection against this opinion that, as to punitive discipline, it is regardful only of the prisoner, and takes no account of society. Or rather, it does take account of society, but only as a tool incidentally used, just as a comb, a towel or shoe-brush might be, in caring for the prisoner—a person (mark) to whom, in any special sense, society owes nothing, but who, in his present relation, is society's debtor. This opinion, in the first place, treats the prisoner as being, in consequence of his crime, superior to society in dignity and consideration, so that in determining his treatment, he alone, or at best he chiefly, is to be regarded; and in

the second place, according to this opinion, society, by giving him, after his crime, what it refused him before—namely, special agencies to make him better—rewards crime.

Again : The state has no right to hold the citizen in durance for his (the citizen's) good.

Yet again : To reform men, whether criminals or not, and especially to reform criminals, is not a rightful function of the state.

3. If it is not to inflict evil, nor yet to impart good, that the state imprisons, the question recurs, what is the ultimate object ?

It may facilitate our inquiry to remember that the ascertainment of principles is a prerogative of the reason. Sentiment has its proper sphere in directing human conduct, but its sphere is a subordinate one. Sentiment has two functions : 1. It aids the reason by outrunning it, and seeking out objects of its solicitude, and then by stimulating the reason to an investigation. 2. The reason having determined the rational action and given direction to the will, public, individual or other, respecting such objects, sentiment stimulates the will to constant and vigorous action. As subordinate to the reason, sentiment is therefore useful. But if co-ordinated with, and especially if super-ordinated to, the reason, it impels to action unworthy of rational beings. This conclusion is serviceable, since it narrows the field of our inquiry, by confining it exclusively to the province of the reason.

Since the good of all citizens, taken aggregately, is of as much account as the good of one, and since the good of all good citizens is of greater account than the good of a bad one as to the particular matter in which he is bad, the object of imprisoning a bad citizen must be such as shall respect and fully conserve the interests and rights of the good citizens : that is, of society. This conservation of the rights and interests of society ought to be so, and is so, as between society and a right-doer : *a fortiori*, it ought to be so as between society and a wrong-doer. Otherwise wrong-doing would, by the sanction of society, have an advantage over right-doing : that is, would be rewarded ; and society would be procuring its own destruction by hiring the bad to prey upon it. It now begins to be seen that the question of the object of imprisonment is important to the last degree, since it must give character to the whole subject of prison management.

The existence of any entity implies, *prima facie*, the right of existence of that entity. Hence, the fact that organized society exists implies *prima facie* its right to exist. But its right to exist at

this moment implies *prima facie* its right to exist the next moment : that is, perpetually. But that right implies the further right to employ means necessary to that end : that is, the right to ward off whatever threatens a destruction or impairment of existence. Thus, from the fact of society's existence we have derived the right of society to defend itself.

Law is the expressed will of society. To maintain that will inviolate is not only a right but a duty, since no otherwise can organized society preserve its existence. If an individual avow a will at active variance with the will (not the opinion) of society, it becomes a duty of society, through its agent the state, to arrest this avowed conflict. This arrest is effected in various ways, depending on the circumstances of each case. If the avowal is merely a threat to infract the public will by violence to another, the state finds it an efficacious arrest to exact a pledge, with sufficient sureties, that the threat will not be executed. For some actual infractions pecuniary exaction is found sufficient. But suppose the pledge, with sufficient sureties, or payment of the fine imposed, is refused ; or the effected infraction is such that a fine would be inadequate to prevent its repetition. What then ? It clearly becomes the duty of society, as we have already shown it to be its right, to employ whatever means may be necessary in making its will to be respected, in defending its existence. Here, then, right and duty being conjoined, we find the answer we have been seeking : The ultimate object of imprisonment is to conserve public safety.

Let it be observed that we do not deny the right of the state to do, in respect to the prisoner, what is in fact an infliction of pain ; for detention is itself inflicted pain ; nor to do what in fact tends to his reformation, for it will be hereinafter seen that the condition of a prison on a plan which recognizes the defense of society as the sole ultimate object, and which regards strictly the prisoner's rights and society's rights, is the one only plan which tends to the prisoner's reformation—nay, which does not tend to his ruin.

This discussion was unavoidable, because according to our conception of the object had in view must be our conclusions respecting prison management. If the ultimate object is to inflict pain, the penologist will seek out (since economy is universally a virtue) such engines of torture as will, at the cheapest cost, inflict the largest amount of pain in the shortest time, and then release the prisoner in order to spare the state unnecessary expense. If the ultimate object is reform, he will lump the matter by converting the prison into a

home mission institute. But if the object is to protect public safety, he must address himself to the much more difficult question: how can the offender's will, now hostile to society, be so restrained as, without violating any right, will make the public will to be respected?

To this conflict of wills there are two parties—society, or its agent the state, and the offender. In determining a system of prison discipline we must ascertain, with scrupulous care, the rights of both parties, to the end that society may not be further wronged by him who has already wronged it, and, what should be equally deprecated, that it may not violate the prisoner's rights, whether by some single act or by a systematic wrong-doing against him.

What, then, are the rights of the state against the prisoner? It is believed by some that the state has a right to detain the prisoner till, by his surplus earnings, he shall have expiated the pecuniary damage produced by his crime, and no longer. This opinion, though having a fair appearance on account of a specious exactitude of measurement, and though held by some writers of reputation, seems not to bear examination.

Objections:

1. It makes a criminal penalty a means to enforce the payment of civil damages between individuals, confounding that element of the criminal act which makes it a public offense with the element which makes it only a private grievance.

2. The trial would involve an assessment of private damages, and that should not be done when the defendant may be at the time imprisoned, nor when he is answering a criminal accusation.

3. Crimes upon the person, as homicide, rape, incest, sodomy, and such crimes as conspiracies, criminal attempts to commit crimes, breach of prison (there being no cost of re-arrest) would not be punishable at all.

4. How would the rule of expiation apply to crimes like riot or treason, involving large numbers and wide-spread damage, partly immediate and partly mediate, with respect to a particular offender? If, in treason, the guilty person can be holden responsible only for his own immediate damage, he could rarely be imprisoned at all, on account of impossibility of proof. If holden responsible for the acts of all his accomplices, his term would often last through millions of years.

5. How would the rule apply to an incendiary who fires an inferior building, but from which, against his intention and against probability, other and valuable buildings are fired?

6. Would the rule afford justice against the professional utterer of counterfeit money, convicted for uttering a counterfeit one dollar note ?

7. The mere forging of money would not be punishable.

8. The rule forbids an increase of punishment for the professional criminal, who has served a half-dozen terms in the penitentiary on prior convictions.

9. With what justice would it release, at the end of the year, the bad man who, because a bad man, steals a coat worth ten dollars, and detain for a hundred years a tolerably good young man who, for love of his widowed mother and her family, hardly yields to the great temptation (the magnitude of the temptation inversely measuring his turpitude) of taking a thousand dollars of his employer's money ?

10. For a like offense and like guilt, this rule of expiation would subject the skilled artisan, to whom the prison afforded opportunity to practise his trade, to but two years, while the unskilled laborer would serve (say) twenty years. Nay, more : many classes of artisans, as lapidaries, plasterers, fresco-painters, shipwrights, etc., and all professional men, for lack of appropriate employment and sometimes for lack of physical endurance, would be perchance worse off than the unskilled laborer. This objection, it is true, goes on the hypothesis that each is allowed to do his best in repairing the mischief he has done. If you deny him this right, if you refuse the mechanic just compensation for his skilled labor, you mock him and cheat him, by professing to put into his own hands the work of his deliverance, and then taking away, in part, his means of effecting it. You allow the state to assert that his daily labor which is worth, in fact, (say) four dollars, is worth only fifty cents—a falsehood told by the state to justify it in stealing the remaining three dollars and fifty cents.

11. The rule of expiation would make a majority of crimes punishable by imprisonment for life.

12. It seems philosophically absurd to say that the accident of pecuniary damage is a measure of guilt, or its repairment an index of the time at which the offender's enlargement will be compatible with public security ; that is, if the highway robber find a thousand dollars on the body of his victim, he shall be imprisoned a hundred years, while if he find but one dollar, it will be safe to release him at the expiration of thirty days.

If these objections, or any of them, have validity, it is not easy to

see that the state has any claim on the surplus earnings of the prisoner, except for the costs of his arrest and conviction. It is right that these should be paid by the losing party.

If the costs measure the state's pecuniary claim on the prisoner, what other and different claim has it? We have seen that it has no claim for purposed punishment or reformation. Nothing then is left which the state can claim, except detention and compliance with such regulations as his relation as a prisoner necessitates.

This ascertainment of the rights of the state is also an ascertainment of the prisoner's rights. All the rights he held prior to conviction he retains, except the right to depart the prison, and rights the exercise of which is incompatible with his relation as a prisoner.

PRISONERS' LABOR.

But has not the state the right, it is anxiously inquired, to compel from its prisoner the labor necessary for his support? If the foregoing reasoning is sound, it has not. It ought not to have. Compulsory labor is slavery, and to reduce a citizen to slavery is wrong. Society's right of self-defense involves, by an obvious necessity, the right of detention. But it does not involve by necessity the right to establish slavery. Whoever asserts that it does, asserts an affirmative proposition, and must assume the burden of proving it. He can appeal to the voice of antiquity successfully, but he will appeal to any department of science in vain. Is, then, the state bound to support its prisoners in idleness? No. Here seems a contradiction.

We have said that the offender, by becoming a prisoner, forfeits his right to depart the prison, and rights incompatible with his relation as a prisoner; but nothing more. It is now to be added that, while he loses something, he gains nothing. The state shall not make crime profitable. Prior to his crime he was subject, in common with all other men, to the law: "By the sweat of thy brow thou shalt (not merely work for, but) earn thy bread." By his crime he has not bought exemption from that law. The proposition that larceny is a crime involves the proposition that every man is entitled to the fruit of his own labor. Whence it is that he who intercepts the fruit of another's labor—that is, who commits larceny—is guilty of crime. But if to intercept, by his own hand, the fruit of another's labor for his own livelihood was imputed to the prisoner for a crime, is it other than a crime, or rather a series of crimes, that the prisoner, not as before by a single act, but continuously and sys-

tematically, intercepts, through the tax-gatherer, for his own livelihood, the fruit of all men's labor! Whoever asserts that such interception is other than a crime committed by the state upon society—whoever asserts that the state has repealed, or can repeal, for the exclusive benefit of its criminals, the universal law above referred to—can put in evidence the uniform practice of a venerable antiquity, but nothing of greater validity. It is too much that the state shall carry on a penal policy which compels honest labor to support felons, or which, at the best, can make them self-supporting only by the sagacity and thrift of the warden or other accident, and not by the inherent elements of the policy itself. It is too much that this baseless and barbarous opinion, which refuses to exact from the prisoner the earning of his support—nay, which, in that voluntary sense which alone the mind accepts as the true sense, even forbids him to do it, but which seeks to atone for this crime by adding the further crime of reducing him to slavery—should longer disgrace the institutions of an enlightened people. It is too much that if bad men prey upon society in spite of law, they should continue to prey upon society by reason of law. Such a policy is dictated neither by sympathy for the prisoner nor by sympathy for the state.

Coupling these two propositions—first, that the state has no right to compel the prisoner to labor, and, second, that the state has no right to compel society, in whole or in part, to support him—there is left room only for the following proposition, namely, that the prisoner should be left, as before conviction, to voluntary self-support. It will be understood that the rule applies only to able-bodied adult prisoners. The scientific mind will at once recognize this rule as an application to prison discipline of the *laissez-faire* principle—a principle that is true in every department of learning where applicable, but in none more obviously, and even conspicuously, than in penology.

But the state cannot demand from the prisoner self-support, without affording him an opportunity to earn it. This furnished, the prisoner must then observe such regulations as the necessities of prison life impose, and beyond these he is free. The state says to him, in the cold language of business: "Bating your detention and the observance of necessary prison rules, you owe nothing to the state. Though offered opportunity for different sorts of labor, you are not required to labor at all. The state does not enslave you; but as the state did not make the law, that toil is the price of bread, it can not repeal it. Whatever you earn you shall get. If you earn nothing, you will get nothing."

As this doctrine, first suggested by Mr. Herbert Spencer, is of the highest importance in prison discipline, it is worth while to dwell on it. Consider its moral results. Under the compulsory plan of labor which treats the prisoner as a slave, or, to speak more accurately, makes him a slave, he feels like a slave, and is apt to contract the vices of a slave. If he do not contract them, the fact proves that his manhood is superior to such influences. Under the voluntary plan which treats him as a man, he feels like a man, and is apt to cultivate the virtues of a man—independence, self-respect, ambition. That plan nourishes the vices which belong to conscious degradation ; this, the virtues which belong to conscious elevation. Hence, under that plan he grows worse and worse ; under this he grows better and better. Under that plan his interest is to do the least labor possible, with the least care—that is, in the worst manner—possible. Hence he is being removed further and further daily from the character and habits he will need when restored to society, and hence the observed fact that discharged convicts are generally ruined men. The voluntary plan, on the contrary, makes it his present interest, first to work, but secondly and especially, to earn—that is, to work with the greatest economy and highest efficiency, with the least possible breakage of tools and waste of materials, and the highest possible perfection of result and rarest interruptions by sickness, since all breakage, waste, deficiency or interruption reduces his earnings. The inherent tendency of the compulsory plan is to make the enslaved prisoner hate labor, aim by trick and falsehood, as far as he can, to steal his living, and so be in fact daily, and daily feel himself to be, and daily desire to continue to be, a pauper and thief. (No wonder that a penitentiary is a thief-factory.) The inherent tendency of the voluntary plan is to make the prisoner desire to earn the largest amount possible, and thus he will be, and will feel himself to be, not a daily pauper and thief, but a self-supporting and self-respecting man. Under the voluntary plan you make self-interest the impulsion to labor ; and that is God's plan, and hence the only right plan.

Another difference, and one of vital importance to the good of the prisoner, as also of society, is yet to be noted. Where compulsion is the motive to labor, when compulsion ceases, labor ceases. As a consequence, when imprisonment ceases, the luxury of idleness is accompanied by the necessity of crime. But when self-interest has once been made a sufficient and habitual motive, there is good chance that it may continue such after the prisoner's enlargement. In other phrase, if the impulsion to industry is from without, the

prisoner, as soon as by discharge he is beyond its reach, the impulsion must of course become inoperative ; and where industry ceases, crime begins. But if the impulsion to industry is from within the prisoner, and habitually controlling, there is good chance that, after discharge, it will continue so, since he can not get beyond its reach. Thus we see that, considering moral results, the compulsory plan tends, in all possible ways, to burden the state and ruin the prisoner, and hence is the worst possible ; while the voluntary plan tends, in all possible ways, to relieve the state and improve the prisoner, and hence is the best possible.

The view which ethical science takes of the two plans, it needs hardly be stated, is approved by political economy. With every principle of that science bearing at all on the question, the compulsory plan collides. But with every such principle the voluntary plan is in absolute harmony. The advantages of the voluntary plan may be summed up as follows :

First.—It is bottomed on a principle of science.

Second.—Based on one scientific principle, it conflicts with no other.

Third.—Dispensing at once with the ever-blundering conjectures of dogmatism and the discordant teachings of empiricism, it makes penology a science of facts and principles existing in nature, and not a medley of guesses and assertions at war with nature.

Fourth.—It defines sharply, and respects scrupulously, the rights of society and of the prisoner, on the one hand recognizing society as having suffered a wrong from, and not as having done a wrong to, the prisoner, and hence, under no increased obligation to him, and, on the other hand, recognizing the prisoner not as a beast—to be managed absolutely according to the wisdom or ignorance, severity or leniency of an officer, to be compelled to labor when sick, or excused from labor as a reward of falsehood, and driven as an ox by its master—but recognizing him as a man—a man, it is true, who has done wrong, but still a man.

Fifth.—It solves, not as a matter of guessing or of thrifty official management, but of certainty, the problem of making a prison self-supporting. Self-support inheres in the policy.

Sixth.—It tends to the prisoner's reformation, and not to his ruin.

COMMON PRISON EXPENSES.

We have heretofore stated that, in order to conserve the rights of society, the state should exact from the prisoner only the costs of his conviction. The exigencies of the discussion forbade us at that time

to show, what must now be set forth, that that expression falls short of the truth. If all men obeyed law, a prison would not be needed. That institution is made a necessity by the class called convicts. In order that society may lose nothing (for justice requires that it shall lose nothing), or, at any rate, that its loss may be minimized, the state owes it to society to require of that class to support the institution, which only their misconduct necessitates. Such a requirement makes them a community in respect to all matters connected with the prison, and each will be chargeable with his ratable share of the total expenses. Nor is there, in this requirement, anything unjust, or even peculiar. The same requirement obtains in every normal society, civil or conventional, common expenses being borne in common. Here, as everywhere, the right course has special advantages, and this community plan will offer advantages not otherwise to be got :

1. Each prisoner would be interested in preventing all destruction of property, wanton or accidental, all waste, unnecessary expense of guards, of medical attendance, etc.

2. Each would be interested in making every other member of the general partnership fully able, by bodily health, mechanical aptitude, etc., to do his full share.

3. As a diminution in number would increase the share of each in the common burden, each would be interested in thwarting any scheme of escape to which he was not a party.

4. Each would be interested in all measures to promote the *morale* of the prison.

Probably it would be impossible, except proximately, to estimate the average current expense. In case of doubt, the doubt should be resolved in favor of society.

Reason : The convict community necessitated the institution whose affairs give rise to the doubt, and it should not make society suffer through its fault.

EQUALITY IN PRISONERS' EARNINGS.

A question of some difficulty arises out of the difference in value between skilled and unskilled labor. We have hereinbefore attempted to show that the state has no claim on the prisoner other than for his detention, costs of conviction, and his share of common prison expenses. Now, if by reason of superior strength, agility, skill, or other quality, he can earn this daily charge with three hours of labor, the advantage is his own—an advantage, or rather a property,

not forfeited and not forfeitable. The skill of the hand, or the knowledge of the mind, is no more to be confiscated than the natural strength of either, or than the hand or mind itself. The proof of which is, that though the state may steal the profits of the skill or knowledge, it can not confiscate the thing itself. This superiority, natural or acquired, is his essential property, and he is entitled, always and everywhere, to its gains. Nor, apart from the question of right, is it the interest of the state to deprive any person whomsoever, for any cause whatsoever, of any personal excellence whatsoever. Such agrarianism would be not only unwise, but criminal. It would be stealing from the more worthy (properties of mind or body, which produce gain, have worth), to enrich the less worthy. On this question, too, ethics and political economy join with the *laissez-faire* principle in saying : Let every man have what he earns ; and the more he earns, the better.

A difficulty of another kind may sometimes arise. Suppose, to put a strong case, an engineer refuses to work longer than three hours a day—that amount of labor being, by supposition, sufficient to discharge his daily debt. Suppose that others, whose work depends on the operation of the engine, can not discharge their daily debt in three hours. To deny them opportunity for labor, and then deny them subsistence for an enforced failure to labor, would be wrong. We have already shown that the state may exact from the prisoner a compliance with the regulations necessitated by his condition as a prisoner. The case under consideration is one to which this rule applies. The prison must have the engine, which must have the engineer, who must labor while the engine operates. But that they may meet the demand of the state, other prisoners require that the engine shall operate longer than three hours a day. Here the state must say to the engineer, You must either work during the full day, or else yield your post to another, and discharge your daily debt as best you may.

DOMESTIC DISCIPLINE.

The principles which should guide in the domestic government of a prison are, as in that of a family, not difficult of ascertainment, but their efficacy, as in the case of a family, will depend largely on their administration. A wide discretion must be allowed to officers. But with a wide discretion, a harsh man will administer humane rules harshly, while a soft-hearted sentimentalist will administer severe rules with hurtful leniency. As the views hereinbefore set

forth have been merely the application of scientific principles, so, in considering this question, we shall find safety only in the avoidance of dogmas and artificial devices, and constant regard to the simplicity and naturalness of a normal life. That in civil society the people are governed too much; that in medicine, the old-time "heroic treatment" was a scientific enormity, useful only to fertilize grave-yards; that in religious government an enforced asceticism is a nursery of hypocrisy—these are all statements which may serve to suggest that, in prison discipline, the less we interfere with those desires, appetites and habits which belong to man as man, the better. Authority, civil or other, attempting too much, achieves all the less. Not only has the state no particle of right to interfere in the case of any individual whomsoever with those desires, habits and appetites which, belonging to humanity, harm no one else, but it is unwise to do so. Sumptuary laws are condemned alike by reason and experience; and sumptuary laws for the mind are more objectionable, because more hurtful, than those for the body. Ballads may not be, in somebody's opinion, as valuable reading as Newton's *Principia*; but does it follow that ballads should have been prohibited to Sir Walter Scott? Sir Walter's appetite for ballads made that literature for him more delightful and more profitable than the *Principia*. Barred from all reading but the *Principia*, he would likely have taken a disgust to reading, and have written nothing, and might have done worse. Allowed to gratify the appetite which God gave him, he became one of the most useful, as he was one of the best men that ever lived.

There is absolutely no reason to justify the state in controlling the mental diet of prisoners, which would not justify a like control in respect to society at large—no reason, except that the state has the power, and that dogmatism sometimes wields that power. To control action is, within its limits, a rightful function of the state; but to correct individual moral natures is not; and all attempts to do so will prove as disastrous as the attempt of Cromwell's government to make the British people pious; an attempt by which a frightful immorality was introduced, and literature, manners and amusements were polluted; an attempt which, seeking to make a nation of saints, tended to make only a nation of scoffers. So it must ever be, when dogma is permitted to set at nought natural law—when man presumes to know more than God.

As with mental, so with physical diet. The prisoner should be allowed, out of his surplus earnings, to increase his bill of fare. Thus

you promote his health and strength, increase his flow of spirits, quicken his ambition, and elevate his moral tone. The disgust and surliness, with which he regards the monotonous diet of the prison, makes him feel, as he has a right to feel, that the state, by denying him liberty to earn and procure other food, is daily wronging him ; and that, if he meets the daily demand of the state, it is none of the state's business what he eats, provided he earns it. The feeling of being wronged cannot fail to produce moodiness, desire for revenge, and moral deterioration. If impracticable to gratify the prisoner's desire fully, we recur, for justification in prescribing a restraint, to our former limitation that the prisoner can exercise no right incompatible with his relation as a prisoner.

The duty of allowing prisoners daily out-door recreation in the prison yard needs not be argued. That there is a natural appetite for it, is reason enough, without adding, what we may add, that it is essential to both physical and psychical health. Diet and recreation, in the hands of a judicious prison regent, may be made potent disciplinary agents. Prisoners should not all be treated alike ; for that would be to treat all, or nearly all, unjustly. They should be treated, each according to his desert. If, obeying the direction of nature, we should adopt the voluntary plan of labor, and, as involved in it, the community plan of defraying expenses, an intelligent regent, by proper regulations respecting diet and recreation, and by special privileges and promotions, could render prison government a very simple matter.

The moment the convict is put within penitentiary walls, the safety of society is secured. Here the antagonism between society and him naturally stops. But the existing system will not let it stop. Power delights in its own exercise. It declares that the convict has forfeited all rights ; that whatever he enjoys he owes to its bounty ; that the state may prescribe what he shall eat, what he shall read, how long he shall work ; may prescribe, in short, whatever it pleases, being guided not by justice, which inquires after and seeks to conserve the rights of all, but by sentiment, which seeks to gratify its own feeling, whether of sympathy or of antipathy. Under this system punishments must be brutal. If, at the outset, you make the convict a slave, then, if you want to punish him, you can do so only by inflicting something more terrible than mere slavery. If, keeping him in slavery, you are forbidden to inflict punishment appropriate to slavery, your authority is subverted, and anarchy reigns among criminals. The lash and the bull-ring are barbarous essentials of a barbarous system.

IMPROVED DISCIPLINE.

The free-labor system by no means contemplates a relaxation of discipline. On the contrary, a better discipline can be thereby secured than under the slave system. The convict must be subject to such regulations as his relation as a prisoner necessitates. Wherever men are gathered together, as in a parliamentary body, or even in a railroad car, there must be rules in restraint of absolute liberty. In a penitentiary, where men are less accustomed to self-restraint, these rules must be more stringent. The rules may be the same under the free-labor system as under the slave system. The point is that they may be enforced under the former better than under the latter. To illustrate : since the convict must earn his own living, a fine will be a punishment for misconduct precisely as before his imprisonment ; the fine being collectible by exacting so many cents a day before allowing anything on his daily support. Again, the blind-cell will then be a punishment purely. Under the slave system, when you put a convict into the blind-cell he finds consolation in being relieved from labor, and in that respect it is clear gain. Under the free-labor system that confinement, or any confinement, is punishment without mitigation. In short, the free-labor system insures better discipline, not only by encouraging voluntary good conduct, but by multiplying the modes of compulsion.

NOT AN EXPERIMENT.

It is objected that the proposed plan is an experiment. If the objection means only to assert that this exercise of despotic power has, as an historic fact, been practised from the time of Lycurgus down, without interruption, the statement is not denied. But it is no experiment. When and where, it may be asked, has it been tried ? We answer, in every country on the globe, and, constantly, for the last six thousand years.

Let us distinguish between accidents and essentials. To say that the attempt of steamboat engineers, when Fulton's genius had just created that occupation, or of telegraph operators, when telegraphs first operated, to make effort necessary for subsistence, was a matter of experiment, might be true as a mercantile statement. But with the mercantile question we have now no concern. The sorts of work carried on in the penitentiary are known to be remunerative. But, waiving the mercantile question by assuming that steamboat engineering and telegraph operating would be remunerative, nobody

would say that the question whether persons who engaged in those occupations would make effort necessary for subsistence, was a matter of experiment. The question of disposition, the psychical question, was not new or peculiar respecting either of those classes, but was common to them with all mankind.

The particular trade or class is an accident. The essential proposition is that man, whatever his class or character, will make effort necessary to his subsistence, and this cannot be regarded as matter of experiment. The truth is, that the disposition to make effort necessary to subsistence is predicable of man universally, and is so predicable because it is an instinct—the instinct of self-preservation. Not even is it merely a human instinct, it is an animal instinct; an instinct which the philosopher and the savage, the honest man and the thief, have in common with the lion, the rabbit and the worm. Opportunity given, the trusting to this instinct is no experiment.

REFORMATIVE TENDENCY.

How admirably the free-labor system works in a reformatory view! Under the slave system the inducement is to do the least work possible; and that involves moral deterioration. Under the free-labor system the inducement is to make the most money possible, and hence to do the most and best work possible; and that involves moral improvement. Again, under the slave system, the convict, not being permitted to accumulate, is in effect forbidden to support his family. An interference, not necessary to the safety of society, so arbitrary, so wantonly cruel to the innocent, is too monstrous to be properly characterized. The state forbids a husband and father to support his family! By what right, we solemnly ask, does any earthly authority forbid a man to labor for his law-obeying wife and children? Cut off from caring for those whom he is bound to care for—enough of itself to ruin the moral nature of most men—he may well become reckless and desperate. Forbidden to provide for them, he will cease to be mindful of them. But under the free-labor system he is still the head of his family, his affections subsist in healthy vigor, he toils with wonted alacrity for his loved ones, to whom his relation and obligations are not changed; and he still feels himself a man. Substantially the same reasoning obtains in respect to convicts not having families. They continue to have all ordinary inducements to gainful industry, if not for persons dependent on them, then for their own use after enlargement. We would not be understood as professing the belief that under the free-labor system all convicts would be

reformed. This can not be. But it is none the less important that the state's policy should be such as tends to make them good, or at least allows them to be good, and not such as tends to make them bad. The penitentiary, though a place for thieves, should not be a thief-factory.

But free labor is the most potent moral alterative. The toil of self-interest is worth more than books and sermons. There is no moral tonic like horned hands. The plan of voluntary labor has the excellence of being the most efficacious of all reformatory agencies.

While on the subject of the state's duty in respect to reformation, it is proper to make another remark. Of two modes, equally unobjectionable otherwise, of effecting a given object, if one will, at the same time, effect some other desirable though not direct object, it should be preferred. This is true even though the collateral object may not, as an independent question, be within the scope or duty of him who employs that mode. It is not, therefore, illogical, in advocating voluntary labor, to consider its reformatory tendency, though denying reformation to be the ultimate object of imprisonment.

CONCLUSION.

Thus, starting out from propositions that are fundamental, we have attempted a logical development of what we conceive to be some of the leading principles of a rational prison regimen—a regimen which conserves alike the rights of society and the rights of the prisoner; which is in harmony with all the principles of science bearing on the subject; which solves, exactly, the problem of a self-supporting prison; which realizes, exactly, the object of imprisonment; which, though the product of the reason, affords nothing of which sentiment can complain; which, heeding reverently the voice of nature, combines the severity of nature with the indulgence of nature.

Your committee submit these views to the Congress. On collateral and incidental questions connected with the free-labor theory, different minds will hold different opinions, and the truth will be determined only by experience and reflection. Your committee respectfully recommend the adoption of the appended resolutions.

AUG. W. ALEXANDER,

Chairman.

WHEREAS, The policy of subjecting convicts to compulsory labor and of withholding from them the fruits of their labor, has now been on trial for some thousands of years in all countries, under all forms and degrees of civilization, and with all modes of dis-

cipline that human ingenuity could devise, from the extreme of loving and caressing, to the opposite extreme of cruelty and brutality, the results of which policy have ever been, and continue to be, confessedly unsatisfactory ; therefore

Resolved, That the free-labor theory of prison discipline submitted to this Congress is, in the opinion of the Congress, entitled to the respectful consideration of penologists, and of persons connected with the government of prisons.

Resolved, That whatever progress has heretofore been made in prison discipline has consisted in an approach toward this system.

8. THE TEXAS STATE PENITENTIARY.

By WARD, DEWEY & Co., the Lessees.

Feeling that the Texas state penitentiary has never been fully or fairly represented to the people of the other states, we beg to offer the following paper to the Prison Congress now assembled at St. Louis, hoping that it may be the means of bringing our prison, and those connected with its administration, into more intimate and understood relations with the eminent workers in the cause of prisons and prisoners, of whom a prominent writer has said, "they are the true reformers." We desire this more particularly, since it is a very generally accepted idea that prison contractors are not at all interested in the moral welfare of the convict, except in the ratio that this means dollars and cents. We claim to have made a broad departure from this idea, and from the old-time prison tactics, following very little, if at all, in the widening and progressive track of modern prison reform, as it is understood in the Atlantic states, for the reason that, in most respects, that plan and system would not apply in our case, or, in perhaps more correct terms, our material could not be made equal to the requirements of that higher standard. We claim to have reached the higher standard of prison management, but by a self-chosen plan of action, only applicable in a prison like ours. In the older countries of Europe, as in the Atlantic states, the administrations of the different prisons have had an old criminal material to handle: criminals of intelligence; criminals crime-taught and crime-shrewd; criminals with desperate natures, and with hearts steeled against all influences for good.

In the Texas state penitentiary we have, as yet, had but little of this element, this advanced criminal class, if we may be allowed the expression, the bulk of our convicts having been gathered from the ignorant masses, whose crimes have been those of passion rather than of reflection. As we understand human nature, the dealing with these different classes must necessarily be varied according to the special circumstances in each case.

Before such an assembly as the National Prison Congress, it would be superfluous to describe the plan pursued in the eastern

prisons, but we lay before you our system, and leave the comparison for your own minds.

As we have already stated, the majority of our convicts are recruited from the ranks of the ignorant classes—guilty, or at least proclaimed guilty, of the lesser degrees of crime. Perhaps there could not be found more than ten out of our whole number—thirteen hundred—who would come under the head of criminals of intelligence, or rather of persons intelligently criminal. We make no exception in our dealings with these last, save that we do not make them “trustys” outside the walls.

Our plan and system for the reformation and moral welfare of those under our control—and we now speak of the mass who belong to the first and controlling number—is simply this: we appeal to their self-respect and manhood, and by trust and confidence touch the better part of their nature underlying the rough surface, by which treatment we seek to upbuild and strengthen their weakened resolves. In the majority of cases we dismiss the convict at the end of his term, not only with twenty dollars in his pocket and a good suit of clothes, but with a love of labor in him, as society’s best guaranty against his reëtrance into the ranks of the criminal. We attach privileges to the performance, and a forfeiture to the non-performance, of duty. So far our experience has cost us little trouble, compared to the satisfaction it has given us to witness the good results that have followed.

The more we trust a prisoner, the greater are the privileges we offer him. Many of them we make sub-bosses, clerks in the office, storekeepers, allowing them a near approach to the life of freemen, such as releasing them from the convict garb, allowing attendance at church, and, in every case, condemning every approximation to studied degradation as a means of punishment. Hundreds of them we put upon their honor as “trustys,” to labor in the vicinity of the prison, without so much as the least police supervision; and, from the large number so trusted, we have not lost three prisoners within the last two years. Most of the escapes that have occurred were from the prison proper, or from careless guards on the railways.

These facts and figures prove two things at least: First, our prisoners are made up of far different material from that confined within the walls of our eastern prisons; and, second, there is much of honor and manly integrity of character among those wearing the prison garb. This experience has increased our faith, that honor and integrity, like child-holiness, clings to the worst of mankind.

Our plan has been to make "trustys" of most of those who have entered upon the last ten months of their sentence, and many of them even before that time. Any one at all conversant with criminals can understand that the convict, intelligent and shrewd in a criminal sense, could not be trusted as we trust our convicts, ignorant as they are both in an intellectual and criminal sense. Within the walls of a secure prison the trust and confidence might be operated in safety, but hardly when they are to be placed beyond all guard or police supervision.

There are various motives operating upon the minds of our prisoners to keep them from breaking their pledges. Most of them have permanent homes in the state, with mother, father or wife to move the affections, and the fear of re-capture, and severer and more long-continued punishment to follow, is the strong argument against trying to escape. Many of them have hope of pardon, and this deters them; while not a few have a strong sense of honor to bear them out. These are among the principal reasons for our trusting them, and for their keeping their promise.

In the management of this prison we have fully accepted the maxim, that idleness is the mother of vice, not only because we are contractors of the state penitentiary, but from a principle of reformation. There can be no doubt that in the acquisition of a trade, and in the habits of industry gained while mastering such trade, society has its strongest guarantee for the man's future good conduct. Making a convict a good mechanic not only places him above want and the temptations of poverty, but it gives him a passport to a class of society superior to that to which he had previously belonged.

We instruct our foremen of shops to pay particular attention to the special aptitude of each in selecting men for certain branches, so that none may be employed in a department distasteful to them. In this careful selection and proper adjustment of the man's tastes and aptitudes to the work, we have, as a result, profitable employment. Above all things, we condemn any partiality on the part of our foremen. When once we get the convict interested in his work, by vigilant and kindly supervision, we have no farther trouble with him. He is stimulated to a full development of his mechanical genius, not only by the hope that reaches out beyond the prison bars, and takes strong hold on real life, but by our daily approval and the certain reward which comes to him in the shape of a commutation of sentence and increased pay at his discharge. Among those who

labor on the farms and railways, we have established a plan whereby each convict has a personal interest in his work. We give to each a share in his earnings, which is sent to his family at the end of each quarter, or placed to his credit on our books, to be paid to him on release, as may be preferred by him. We intend to adopt the same plan in the working of our shops, as soon as we can systematize them more thoroughly.

This plan, so far, has resulted in an almost incredible amount of extra labor, and the cessation of punishment in most of the camps. It develops the element of hope, which is more potent than fear, and is the strongest reformatory agent among mankind. The hope of abridging the term of sentence, and of once more taking a place in the world as a respected member of society, is among the strongest incentives to good conduct on the part of the prisoner; and the constant habit of doing right, will, in the end, work out a desirable reformation.

Perhaps the most critical period in the life of the convict is the moment that he puts aside the prison garb and turns away from the sombre shadow of the prison walls, to enter upon real, active, free life. If he has learned a good trade, he walks away with a quick, buoyant tread. If not, we watch his slow, unsteady steps, as he moves away, and have but little hope that he will be anything more than a purposeless being, perhaps a total wreck. He must meet the antagonisms of life just the same as the man who has a trade, but he is a thousand times less fitted to meet them. "He who hath a trade walks in shoes of gold," is a saying full of truth and beauty. It is just here that we so much need the associated effort of the public-spirited men of the state. We need their coöperation to take the discharged man from our hands, and, by personal interest, aid him in the securing of some remunerative employment. If we had such helps as these, there would be a less number of second convictions. When we discharge a convict we give him, as before stated, \$20 in cash, a good suit of clothes, chosen from the ordinary freeman's styles, that no distinctive mark may remain, and such friendly advice, in regard to business and other matters, as we can; but this is not all that should be done. Society should then stand ready to take the man and keep his feet in the path of right, by kindly assistance, not in a pecuniary sense, but in the way of that brotherly interest which weighs much more than dollars and cents, and especially in the way of giving employment, whereby he may earn honest bread.

Within the year a few of our people have put forth an effort of this nature, resulting in the formation of a prison association, but beyond this nothing has been accomplished. We hope that something more definite and tangible will grow out of this associated effort, something that will reach these prisoners, both within the walls and when released.

The moral instruction of our prison consists in religious services on the Sabbath, a supply of choice reading matter, secular and religious, and such quiet talks during the evening as the different chaplains may see fit to have. We have a day school in near prospect, which we hope to complete within the year. When this is ready, we shall employ an instructor, and give to each convict a portion of his working time for instruction in the different branches of education.

We give to each the necessary materials and the opportunity of writing letters every Sunday, and the friends of the convict can visit him at pleasure.

These are among the helps we are affording those under our control, offered from unselfish motives, and in the sincere hope that the result may be to their permanent good. We hope to be able to still further improve the condition of these prisoners; but to do this successfully, we need the hearty and unselfish cooperation of the people at large. We need much legislative help, such as a radical change in the criminal procedure of our state. Crime must meet with punishment, but it must be tempered with more humanity and charity.

The boy of twelve, whose first error of a criminal nature is the theft of fifty cents' worth of property, should not be placed on the calendar with the older criminal, who, for the third or fourth time, steals a horse, or a large sum of money. We have no such thing as petty larceny, punishable by a month in the minor prisons.

What constitutes a petty theft in any of the eastern states becomes a penitentiary offense in Texas, punishable by a term of from two to five years' imprisonment. The disproportion between the punishment and the crime is a grave error in the criminal code of Texas. This, with the want of interest on the part of the public at large in those who are convicted, is one of the causes for the apparent increase of crime in our state. With the trial and conviction of a man, all interest in him ceases, so far as the public is concerned.

This, certainly, is not in consonance with the teachings of Christ, or with modern movements in the direction of prison reform.

Society has much more to do than this, if it would create the needed re-action that will diminish the number of criminals.

While we are trying, in all good faith, to build up, among our prisoners, the highest possible standard of discipline, by the means we have but partially set forth, we solicit the coöperation of the general public, and especially that of this Congress, who are so deeply interested in reform in this direction. There is no lack of the proper spirit among our people for this work ; but it seems to require some outside pressure to give it impetus.

In conclusion, ladies and gentlemen of the Congress, we most cordially invite each and all of you to visit our prison, and to see for yourselves what we are doing. We extend to you the hospitalities of the little city where we are located, promising you every opportunity of witnessing the management of the penitentiary ; and we feel assured that the people of the state will heartily join with us in this invitation.

9. THE CHARACTER AND DUTIES OF A DETECTIVE POLICE FORCE.

By ALLAN PINKERTON, Illinois.

Mr. Pinkerton has been, for more than twenty years, in the service of the public as a detective police agent, and has won distinction in that character. He was invited to attend and participate in the Congress at St. Louis. Being unable, because of other pressing duties, to accept the invitation, he communicated his views, in part, in a letter addressed to the secretary, and, in part, in a printed document, issued by him last year, as president of an association, known as the "National Detective Agency." The substance of his letter has already been given in the discussion on the reports of the Standing Committees on Criminal Law and Police. His views on the qualifications and duties of a detective police, communicated for publication in these transactions, if judged best, are given in the following paper.

The character of the detective is comparatively new. It is true that, from the earliest ages, there have been officers of some kind for the detection and arrest of criminals, and the bringing of them to justice; but the manner and style of these operations were entirely different from those of the modern detective. The existence of the detective, as an officer, should be entirely unknown. All his acts should be surrounded with secrecy, and, in fact, so far from his being known as a detective, he should be the very last upon whom such a suspicion would be likely to fall. The mouchards of Paris, the old Bow street runners of London, and the "shadows," as they were termed, of the American police, have passed away before the enlightened intelligence of modern times, and the means and appliances which it has been found necessary to bring into operation, in order to circumvent and checkmate criminals.

Crime, itself, has become more scientific; it is, to many, a matter of study how criminals can possess themselves of the property of others, and yet shroud themselves from the chances of detection. Many men have entered upon a course of crime, powerful of mind and strong of will, who, if they had devoted themselves to honest pursuits, would undoubtedly have become honorable and successful members of society. To meet these the detective requires to be of a high order of mind, and must possess clear, honest, comprehensive understanding, force of will, and vigor of body, and be able, upon any emergency likely to lead to a discovery of his character and plans, to strike out a new course, and prevent himself from being detected by the criminal upon whom he may be operating.

The profession of the detective is a high and honorable calling. Few professions excel it. He is an officer of justice, and must himself be pure and above reproach. The public have a right to expect this from their officers; nay, more, they have a right to know that their lives and property are to be guarded by persons, male or female, of whose integrity there can be no question. It has hitherto been held as the leading canon of detective practice that a "thief only can catch a thief," and, to a very great extent, this has been acted upon, not only by the police of America, but of all the world. Nearly the whole detective force of Paris are men who have themselves either been convicted of crime, or who have committed it, and whom the police are ready at any time to pounce upon, whenever the mouchard fails to do his duty, or what they consider to be such. The same principle has also prevailed in the "stool pigeon" system of England and America. Thieves have been employed by the detectives, and have been allowed to commit crimes with such impunity and with so free a license, that they have outwitted the detectives, and only occasionally shared with them their ill-gotten gains. They have furnished them, likewise, with information in regard only to the smaller and less important thieves, who would, from time to time, be arrested by the detectives, while the greater criminals went free, and, so long as they acquired a newspaper notoriety, which kept them before the public, and, so long as the detectives received their wages, it mattered little to them who escaped from justice or who was punished. All such practice is ignored by this agency, which holds as its cardinal principle, that crime is as foreign to the human mind as a poisonous mineral substance is to the body, and that the criminal, by his criminal act, weakens the whole fortress of his strength, both mental and moral, and receives therein an enemy which will be always on the watch to betray him, and which will certainly betray him sooner or later, when the right detective appears, and brings to bear upon the criminal all the armories of a superior intellectual and moral power. The criminal, obeying the common laws of human nature, must seek for sympathy. His crime haunts him perpetually and torments him to reveal it. His mind abhors it, as nature abhors a vacuum—and the watchful detective will seize the criminal in his weakest moments and force from him, by his sympathy and the confidence which the criminal has in him, the secret which devours him.

Take two men of equal mental and moral calibre, the one a

criminal and the other an honest man, it is the decree of destiny that the latter shall overthrow all barriers of reserve in respect to the former, and compel him to confession. It is merely a matter of time and tact. The detective therefore—if he is to operate in the higher departments of crime—must be a man of considerable intellectual power, and possess such a knowledge of human nature as will give him a quick insight into character. He must have, also, a keen analytical mind, as well as large powers of combination, so that he may be ready for any emergency. He must possess, also, the player's faculty of assuming any character that his case may require, and of acting it out to the life, with an ease and naturalness which shall not be questioned. It is not expected, however, that every detective will possess these rare qualifications, although the more talented and versatile he is, the higher will be the sphere of operation which he will command. For the rest, they will be commissioned to do the class of work for which they are best fitted by nature and education. They must neither overdo nor fall short of the mark; for, in many cases, the interests which they are operating for, as well as their own lives, may be seriously jeopardized by any shortcoming. It cannot be too strongly impressed upon detectives that secrecy is the prime condition of success in all their operations. It is the chief strength which the detective possesses beyond that of an ordinary man. His movements should be quietly conducted; his manner should be unobtrusive; and his address agreeable. He should be able to adapt himself to all persons, in all the various grades of society; although it is not expected that any one class of mind should be able to cope successfully with all classes of crime; but the detective should ever study to improve his faculty, to mould himself, as much as possible, to the habits of those with whom he may be brought in contact, whilst engaged in the detection of crime, bearing in mind that all his movements should be as silent as the "snow-flake that falls upon the sod." It frequently becomes necessary for the detective, when brought in contact with criminals, to pretend to be a criminal; in other words, for the time being to assume the garb of crime, with a view to its detection in another. But when the ends of justice are accomplished, he will return, of course, unblemished by the fiery ordeal through which he has passed, and take his place once more in society. It is, unfortunately, necessary to resort to these deceptions, to save society from its enemies; and so long as these enemies exist, so long will this necessity remain operative. The detective has to act his part, and, in

order to do so, he has at times to depart from the strict line of truth and to resort to deception, so as to carry his assumed character through thoroughly and successfully. Moralists may question whether this be strictly right ; but it is a necessity in the detection of crime, and it is held by the agency that, the ends being for the accomplishment of justice, they justify the means used. While associating with criminals, the employ  s of this agency must abstain from using intoxicating liquors, except when it is absolutely necessary ; and never, except by direct orders from their superior officers, must intoxicating liquors be used to such an extent as to influence the mind of the criminal with whom the detective may be brought in contact. Statements derived from a criminal, while under the influence of liquor, are frequently unreliable ; and always, when brought into court, they tend to shake the strength of the evidence ; and it is not considered that such statements are as much entitled to reliance as those drawn from them in their sober moments. The detective must rely upon his powers of resource, imitation, mind and will, to control the intelligence of the criminal. It is an evidence of the unfitness of the detective for his profession that he should be compelled to resort to the use of intoxicating liquors ; and, indeed, the strongest kind of evidence, if he continually resorts to this evil practice. The detective must not do anything to further sink the criminal in vice or debauchery ; but, on the contrary, must seek to win his confidence by endeavoring to elevate him, and to impress him with the idea of his (the detective's) mental and moral superiority. The use of liquors for the purpose of stimulating the mind of the criminal must only be resorted to in extreme cases, when all other appliances have failed ; or when, on account of the settled habits of the criminal, it is impossible to keep his company without using more or less liquor. All this must be well ascertained and developed ; and, as already said, resort to liquors must be under the orders of some superior officer of this agency. There is no stronger evidence of weakness and unfitness for his position than the continued resort to liquor by the detective with the criminal upon whom he is operating. Crime can and must be detected by the pure and honest mind obtaining a controlling power over that of the criminal ; but, in so doing, the detective ought not to seek to weaken the mind he has to contend with, by any excesses such as have been already alluded to.

Another principle which it is desired to impress upon the minds of the employ  s of this agency, is that the criminal, when convicted, pays the forfeit of his violation of the law ; and when consigned to

the prison cell, it is the duty of those brought in contact with him to do all in their power to elevate and ennoble him, because some time in the future he will most probably have again to come forth into the world and take the chances of life. If criminals were treated as men, capable of moral reform and elevation,—if they were instructed in their duties and responsibilities, as good citizens,—and, better still, perhaps, if they could be taught some handicraft, whereby they might secure an honest livelihood when they return to society once more, and maintain an honest and reputable character,—no one can calculate the great service that would thereby be rendered to them and to humanity. Unfortunately, under our present system, this is too little thought of. The criminal in the penitentiary, under the solitary system, is debarred from all intercourse which would tend to enlighten him as to the evil course he has pursued, and to impress him with a more favorable view of society than he had before. Under the contract system in our penitentiaries, the criminals are let out to contractors, whose only aim is to obtain such labor out of them as they can realize the most money by, to the utter neglect of their moral culture. This is a high crime against civilization itself, and it is a subject well deserving the attention of our legislators. It is true, that the detective can do but little in any way to reform the criminal, because, after his condemnation, he seldom sees him, and, in many instances, the mind of the criminal would be so poisoned and embittered against him, that he would be loth to believe that anything good could emanate from him; but kindness and justice should go hand in hand, whenever it is possible, in the dealings of the detective with the criminal. There is no human being so degraded but there is some little bright spark of conscience and of right still existing in him; and, whenever it is possible, the detective should endeavor to reach this and cultivate it.

The detective must, in every instance, report everything which is favorable to the suspected party, as well as everything which may be against him. The object of every investigation made by this agency is to come at the exact truth, in all the cases that are submitted to it. There must be no endeavoring, therefore, to over-color or exaggerate anything against any particular individual, whatever the suspicion may be against him. It is the true function of the detective to be impartial in all his operations, and to guard himself against prejudice on the one hand, and favor on the other. He is to learn all he can, both for and against the person who may

happen to be his quarry for the time being, and report accordingly. He must credit neither good nor ill of any man upon hearsay. His data should be founded upon knowledge only, and if upon hearsay, the same must be fairly expressed. All suspicions must be verified by facts. No man ought to be made to suffer on suspicion only. Actions alone are amenable to law and justice. These are fundamental axioms of this agency, as they are of natural justice, and must be borne in mind by every detective who is attached to it.

10. THOUGHTS ON PRISONERS AND PRISON DISCIPLINE.

By ALFRED H. LOVE, Pennsylvania, Member of the Philadelphia Prison Society.

Prisoners are human beings. Detected and undetected criminality are very far apart in consequences, but in very close proximity in fact. Let us never forget our own short-comings; let us look at the birth, education and surroundings of criminals, and start with that "charity which suffereth long and is kind;" and then we may sit in judgment.

Abolish all time sentences. Treat the criminal as a patient, and the crime as a disease. As well might the physician prescribe the same medicine to be given for a certain number of weeks or years, irrespective of the recovery of the patient, as for the statute book to declare the terms of imprisonment for certain crimes, and the judge to give sentence, without regard to the temperament of the criminal, the circumstances of the crime, or any change in the moral status of the prisoner to be wrought by his imprisonment. The physician regulates and changes the remedies according to the condition of the patient. If the patient be cured, the medical treatment will cease, if not cured, it will be continued. Not so with the penal law. The term of imprisonment is fixed, and it is only in rare cases that it is altered, even though there may be an entire reform. On the other hand, the term being fixed, at the end of it, though there may be no change for the better and the prisoner may declare that he will have revenge, or that he will return to his criminal life, he still claims and receives his liberty under the law. Hence let us abolish time sentences and substitute sentences whose duration shall continue till the person gives evidences of reform.

It is sufficient to sentence the criminal to the penitentiary or reformatory (I prefer the latter term,) and then let a board, properly constituted, decide as to the length of the confinement by a close observation of each case. Let there be a graduated system of imprisonment, one adapted to the temperament and character of the prisoner. Do away with mere mechanical treatment. Let the discipline be modified as to labor, diet, and privileges, according to the mental and physical conditions of each inmate. Let premiums for good behavior take the place of penalties for transgressions. Little

acts of kindness, little changes of diet, and some show of confidence, will impart a healthy tone to a prison, and secure the most happy relations between officers and convicts.

Considering the delicacy, difficulty, and complexity of the duties required of prison keepers, would it not be wise to establish institutions for fitting men specially for these positions? It is no small matter to have the charge of human beings under such circumstances. It is a study of itself, and surely some security is needed for the qualifications of those who seek employment in this department of the public service.

Build no prisons *over one story high*; separate bad men from each other; give each prisoner plenty of light and air, let him have an opportunity to see the sky, and give him a garden attached to his cell, in which to walk, dig, plant, and cultivate. It is worth much to place the foot upon the earth, and see something growing. There is a ministry of good in these little things.

Let love and kindness pervade the whole prison. Never be above receiving a thought from a prisoner; "experience being the best of teachers," many a valuable suggestion may come from such sources.

Do everything to *restore lost manhood or womanhood, and to cause the prisoner to respect himself*. Even a looking-glass in a cell will cause tidy habits, and as "cleanliness is akin to godliness," a good supply of water, with frequent changes of linen, will tell in the good government of a prison.

The care of *discharged prisoners* is a duty as well as a safeguard. It is the best preventive of re-commitments. Supposing that every inmate has been taught a trade, see that he is furnished with appropriate tools, a suitable home, and a dress that will relieve the wearer from being marked as a discharged prisoner. This will necessitate a prison society wherever there is a prison; and surely this is a need that should be met.

11. ECONOMY IN PREVENTING CRIME.

By CHARLES L. BRACE, Secretary of the Children's Aid Society, New York.

The true mode of testing the pecuniary management of a charity is to apportion its whole expenses—rents, salaries, and supplies—among the whole number of its beneficiaries, and ascertain the average expense per head of the relief extended to each. We shall take for examination one well known charity in the city of New York—the Children's Aid Society—and attempt, from its published accounts, to ascertain what is the average cost to the public of each child who is educated, fed, sheltered, clothed, lodged, and sent to the west by the society. It should be remembered, however, in the beginning of the investigation, that the main object of this charity is not so much to bestow alms as to prevent persons from needing alms; so that its principal work is in the educational and moral field, and its principal expense is in the direction of education, in the foundation of lodging-houses, and in the machinery of distributing its wards to western homes, rather than in the direct distribution of supplies, though the latter is still an important feature.

The report of the treasurer, Mr. John E. Williams, for the year 1873, shows that its most expensive branch was that of the "industrial schools," embracing twenty-one day and fifteen evening schools, and employing eighty-seven different teachers; the whole expense of this branch was \$68,092.69. Dividing this among 3,477 pupils, the average attendance, the cost per head is \$19.57, this including not only the cost for rents, salaries of teachers, but the expense of a daily meal, shoes, garments, furniture, books, and coal. These children, it should be remembered, were of the poorest class, the majority of them engaged in street trades or home labor, who could not have been educated at all but for these schools.

If we turn now to the schools of the Board of Education, we find that the total annual expenditures, not including those for construction, were \$2,830,427.77; deducting \$100,000, the apportionment for the corporate schools, and dividing the remainder by the average attendance for the year, minus the average for the corporate schools, namely, 99,971, we have an average expenditure per head

of about \$27.33, this cost, of course, including no charitable supplies, and but seldom rents.

Taking now another important branch, that of the boys' and girls' lodging-houses, we find the annual cost of the Newsboys' Lodging-house, \$16,793.46 ; of the Girls' Lodging-house, \$4,661.32 ; of the Eleventh Ward Lodging-house, \$4,070.55 ; of the Sixteenth Ward Lodging-house, \$4,577.34 and the Rivington street Lodging-house \$7,821.06, making a total of \$37,923.73. Deducting from this the total receipts of the various lodging-houses for lodgings, as they appear in the public reports, namely, \$14,330.04, together with \$1,000 on construction account for Rivington street lodging-house, we have the net cost of these lodging-houses to the public of \$22,593.69. Dividing this by the average number of lodgers each night for the year, namely, 406, we have as the average annual expense for each child fed and sheltered by these lodging-houses the sum of \$55.64, or a little over one dollar per week. If this amount be compared with the cost of taking care of vagrant children in a large asylum, as, for instance, the Roman Catholic "Protectory," we shall find that the total expense of that institution for 1872, deducting the construction and interest accounts, was \$165,084.42. Dividing this by the whole number of children, 1,588, we find the average expense per capita \$103.95. It will thus be seen that the care of a child in any one of these lodging-houses in the Children's Aid Society costs a little more than half of what it does in the largest asylum in the city.

The comparison, however, would be somewhat more just if rents were deducted from the expenses of the lodging-houses, as the interest on the capital is deducted from those of the "Protectory."

These amount to \$6,780 (not including the interest on the capital of the three houses owned by the society), which would leave the total annual expenses of the houses \$15,813.64 ; and this, divided by the average number of lodgers each night of the year, would make the cost of the care of each child \$38.94 per annum.

If we take now another branch, the most important of the society's work, that of emigration or the "placing out" in western homes, we shall find the total expenses, as stated in Mr. Williams' report, \$32,489.92. Deducting from this sum the amount received in return fares, or about \$6,000, we have for the net cost of this branch \$26,487. Dividing this by the whole number sent to homes and places, or 3,701, we find the average cost of providing each of these children and adults with a place or a home in the country, including the expenses of salaries of agents, railroad fares, food and clothing, to be

about \$7.16 per head. Each of these poor children is certainly infinitely better off in a farmer's family than in the Roman Catholic Proctectory. They will be worth more to the country and more to themselves, yet they only cost about 1-15th as much to the public as in that asylum. The same number of children placed in the Roman Catholic Asylum for a year would have cost \$381,204. This certainly speaks something for the economy of the "placing out" system.

If now we take the total running expenses of the Children's Aid Society for 1873, namely \$185,620, and deduct from this on the construction and interest account the following sums, namely : Italian Building Fund, \$6,295 ; Newsboys' Building Fund, \$7,000 ; Eleventh Ward Lodging-house, \$4,490 ; Girls' Lodging-house, \$1,626 ; Rivington street Lodging-house, \$1,000 ; repairs and interest, \$3,949 ; Newsboys' Lodging-house, \$6,000 ; Eleventh Ward Lodging-house, \$780 ; balance on hand, \$1,267 ; the remainder is \$153,213. From this again must be taken the receipts from lodgers, \$14,330, and returned fares of our western parties, or \$6,000 odd—a total of \$20,330—leaving the running expenses \$132,883.

With this sum of money, 11,503 different homeless boys and girls have been fed and sheltered in the lodging-houses, 9,584 poor children have been educated and clothed in the industrial schools, and 3,701 have been sent to homes, mainly in the west ; 145,998 lodgings and 172,453 meals were given through the year.

To ascertain, however, the precise cost of this work, it is necessary to divide the whole expenses by the average daily number aided through the year in the schools and lodging-houses, rather than by the aggregate number. This daily average is 3,477 for the schools and 406 in the lodging-houses ; to this must be added 3,701 for those sent to places, or a total of 7,584. Dividing \$132,883 by 7,584, we have \$18.84 per head as the annual cost of this charity for each child.

This sum, it should be remembered, includes all the expenses of salaries, rent of schools, printing and supplies of this important charity. Certainly no similar amount of good has ever been accomplished at a more economical rate.

If still another branch of expenditure be considered, namely, that for salaries, it will be found, taking the whole field of expenses of the society, that the salaries of the five executive officers, namely, \$9,281.04, and those of the superintendent of the schools and five visitors, namely, \$5,478.57, together with all salaries of the superin-

tendents of the lodging-houses, are paid by the internal receipts of the society, that is, by the \$20,000 received from lodgings and returned fares, and are not paid by the contributions of the benevolent public.

On the other hand, the salaries of the teachers in the industrial schools are more than paid by the "school fund" tax, which is not an extra charge upon the property of New York, as the tax would be distributed among the country schools if it were not in part applied to these schools.

In whatever aspect this important work of benevolence be looked at, it commends itself by its economy and efficiency.

12. BRITISH PRISONS.

By **FREDERICK HILL**, Barrister, and formerly Government Inspector of Prisons for England and Scotland.

Until the time of John Howard, whose labors began about the year 1770, the prisons of Great Britain, like those of most other countries, were deplorably bad ; and not only so, but their bad state failed to excite public attention. Occasionally, indeed, a scene in an English prison, graphically described by Fielding, Goldsmith or some other great novelist, must, for a time, have aroused the public mind ; as also, though probably not so fully, must such an event as the Lent assize at Taunton in 1730, when the judge, one of the leading counsel, and some hundreds of other persons were struck down by " gaol fever," caught from some miserable men who had come straight from prison into the court for trial. But nothing occurred effectually to awaken public attention until the great philanthropist, whose own attention had been drawn to the subject in the performance of his duties as high sheriff of his county (Bedford), devoted himself, with the strong will, courage and perseverance, by which he was distinguished, to a personal examination of the prisons, not only of Great Britain but of other countries, and to effecting in them a thorough reform. This, indeed, was a work too great for him to accomplish ; even though for its attainment he sacrificed life itself ; but he did succeed in dispelling, from that time forth, all general slumber on the subject, and in bringing to bear upon it the public conscience.

One great cause, no doubt, of so little attention being paid to the prisons was that, at that time, and indeed till long afterwards, imprisonment was scarcely regarded as one of the means of repressing, still less of preventing, crime ; the means most in vogue being the stocks, the pillory, branding, flogging, and hanging ; and even after faith had been somewhat shaken in these rude and barbarous punishments, transportation (in its turn also doomed to fall into disrepute) was seized upon as a happy contrivance for escaping, so far at least as the mother country was concerned, from many of the evils of crime. Transportation, however, though extensively used, was necessarily of limited application ; and a large number of offenders remained to be

disposed of, who were considered either too good for such a punishment, or too bad. For the latter the gallows was still the favorite resort; all attempts by Romilly and others to lessen its frequent use, and to show at once its brutality and its failure to accomplish its object, being resisted not only by the sluggish and least intelligent part of the public, but by the very judges, who, with Lord Ellenborough at their head, declared with a prophetic emphasis which subsequent experience has shown to be utterly groundless, and to have been founded in nothing but obstinacy, love of authority and disgraceful ignorance, that if capital punishment were abolished even for thefts of not more than forty shillings, no man's property would be safe.

Gradually, however, humanity and true knowledge made their way; the number of offenses for which death could be awarded was greatly reduced; the stocks, pillory and branding were given up; flogging became much less frequent; and, as already mentioned, even transportation was abandoned; and thus it came about that, except the remnants still remaining of hanging and flogging (which we hope will not much longer disfigure the British statute book), imprisonment, and that only when fine or security is not deemed sufficient, is now the only punishment which, in the large majority of cases, is inflicted for the commission of any kind of offense; though even imprisonment was long enforced, and, indeed, in no small degree, is so still, with harshness and with want of wisdom in its direction. So late as 1823, as shown by the report for that year of the Prison Discipline Society (one of the many institutions which, in the British Isles, as in America, have sprung into existence to make up, by voluntary exertions, for the shortcomings of official action), it appears that even untried prisoners were often kept in fetters, and that for periods frequently of half a year.

Although Jeremy Bentham, the great pioneer of law reform in all its branches, assisted by his able brother, Sir Samuel Bentham, had, long previous to this, been at work in preparing the public mind for introducing sound principles in the management of prisoners, the first material alteration, of late years, in the law concerning the British prisons, was in 1824; when Sir Robert Peel, then, as member of a tory government, Secretary of State for the Home Department, first gave evidence, in advance of his compeers, of the possession of really liberal principles; in furtherance of which he carried through parliament bills for amending the criminal law, for abolishing many abuses relating to juries, for establishing—in London at least—an

effective police, and lastly, for consolidating and amending the laws relating to prisons.

By the last named measure, commonly called the "gaol act" (which, however, did not extend to Scotland), a determined effort was made to secure the appointment in each prison of a proper corps of officers, both male and female, to establish good order, to effect a proper classification, and to render the discipline of the different prisons, in its main features, uniform; but no provision was made for the individual separation of any of the prisoners, for introducing other than unproductive and repulsive labor, or for inducing untried prisoners to work at all; and the motive chiefly relied on for good conduct was evidently fear. Some amount of latitude was given to the visiting justices (in whom was vested the chief power in the government of the prisons), by means of which industrial employments were in some instances introduced or continued; but, in the main, the gaol act, like very many other acts, erred in prescribing rigid and minute rules, regardless of ever varying circumstances, instead of laying down broad principles only, and, subject to a central control, giving large discretionary powers, so as to admit of the trial of important experiments and the gradual adoption of that system which experience might prove to be the best; and in the English prison laws this vice still continues.

In the year 1833, at the instance, we believe, of Lord Brougham, then lord chancellor, Mr. Crawford, a gentleman who had joined in the efforts made by Mrs. Fry and others, chiefly Quakers, to introduce useful employment and a religious spirit into the prisons, was sent to America to visit some of the prisons there, and to inquire particularly into the comparative merits of the separate and silent systems, which had then, for some time, been in use in certain of the state prisons. On his return, Mr. Crawford made a report strongly in favor of the separate system, as not only far superior to the silent system, but in itself excellent and all that could be desired; and soon afterwards, with a view to the general improvement of the prisons of Great Britain, an act was passed to authorize the government to appoint inspectors of prisons, of whom Mr. Crawford was one.

The whole number of inspectors was five, four being apportioned to England (except Northumberland and Durham), and one to Scotland, to whose district those two counties were added.

To give a practical trial to the separate system a large prison was erected in London, and was soon filled with male convicts under

sentence of transportation, who were there subjected, for a certain period, to this discipline before conveyance abroad. In other respects the duties of the English inspectors were confined to a visitation, from time to time, of the prisons, and to reporting how far the provisions of the gaol act were carried into effect. It was, however, of course, open to them, in addition, to suggest alterations, whether in particular cases or in the general provisions of the law; and (chiefly under the influence of Mr. Crawford and of another English inspector, the Rev. Whitworth Russell) many prisons on the separate system were put up in different parts of the country, while all the inspectors, many visiting justices, and many governors of prisons aided in effecting improvements of various kinds.

In Scotland, the duties of the inspector were very different from those of the same officer in England, inasmuch as no enactment existed for the general regulation of the prisons there, the matter having been left almost entirely to the different local authorities, and these, as is too commonly the case, having been appointed under a bad system of election, the result, in a great number of instances, as shown by the early reports of the inspector for Scotland, Mr. Frederic Hill, was the existence of very bad prisons.

Taking advantage, however, of the large powers possessed by the local authorities, Mr. Hill soon succeeded, chiefly by persuasion, but in some cases by holding up abuses and neglect to public condemnation, in effecting large improvements, especially in banishing from the Scottish prisons both drunkenness and idleness, and in establishing sobriety, order and industry.

From the list of bad prisons in Scotland, there were, however, from the first, three honorable exceptions, namely: One of the prisons in Edinburgh, one in Aberdeen, and one in Glasgow, the latter of which, conducted on the separate system and with an abundance of useful work, had, for many years, been a model worthy of imitation. Its excellent governor, Mr. Brebner, gave to Mr. Hill most zealous and valuable aid, in procuring good officers in place of the many bad ones that had to be displaced from other prisons, and in supplying, generally for the first time, good matrons and female warders, very few female officers having, previous to that time, been provided in the Scottish prisons. Mr. Brebner may be said to have died a martyr to his work; and the way in which he was regarded by those who had been under his charge, and towards whom he never relaxed necessary discipline, is shown by his having been followed to his grave by a large body of liberated prisoners.

Under Mr. Hill's influence, unproductive work in the Scottish prisons was wholly discarded, though since he left the Scottish district such work has, to some extent, been re-introduced. Corporal punishment was also put an end to, and this without any increase, but, on the contrary, concurrently with a large decrease in prison offenses.

The long hours of confinement in darkness, which in the Scottish as in the English prisons often extended in winter to sixteen hours out of the twenty-four, were reduced to a maximum of nine.

Strong motives were given to industry by establishing, as far as possible, piece-work in the prisons instead of day work, and by giving to the prisoner himself (in such a form, and chiefly after liberation, as to prevent abuse) anything that he might earn beyond his allotted task.

Under the operation of this regulation, prisoners were sometimes up and at work, by three or four o'clock in the morning ; pecuniary assistance was sent to members of the prisoner's family ; compensation to some extent was made to the party whom, by theft or otherwise, the prisoner had injured ; and lastly, a fund was raised sufficient to give the prisoner a start in life on his liberation ; the money being sometimes expended in defraying the cost of emigration.

A singular arrangement, which Mr. Hill found in the Glasgow prison, was one permitting the presence of voluntary prisoners, consisting for the most part of offenders whose term of confinement had expired, but who, having no work to go to, were willing and even desirous to remain in the prison, although subject to all its rigorous rules, until they could find employment.

It would seem a mere truism to declare that whatever is awarded as a penalty should be open to any one who desires it, without such person being compelled to qualify himself for it, by the commission of an offense, but self-evident as this may be, Mr. Hill who, although strongly approving of the arrangement, felt bound to point out that it had no legal authority, had at length the pain of witnessing its abolishment, the practice being brought into accordance with the law, instead of the law with the practice. It is scarcely necessary to add that the greater part of these voluntary prisoners soon re-appeared as ordinary prisoners.

In order to give stability to a good system of prison discipline in Scotland and to introduce further improvements, Mr. Hill urged the establishment of a general governing authority for the prisons, and he had the gratification of being intrusted by the government

with the preparation of the heads of a bill for carrying his plan into effect. A bill thus designed was introduced into parliament, but was so altered in its passage as to lose much of the simplicity, efficiency and economy originally contemplated. On the principle that the management and reform of criminals is a matter not of local but of imperial concern, Mr. Hill advised that all the prisons should be under the direction of the government, acting through a small body of officers directly responsible to it, and under such an arrangement the prisons might have been much reduced in number, and the prisoners distributed with reference to age, sex, nature of employment and length of imprisonment, while experiments of different plans might have been made under the most favorable circumstances for arriving at safe conclusions; but, in the form in which the bill passed into law, the principle of locality was preserved, and the power of the governing body made comparatively feeble. Nevertheless, the evil of minute and fettering legislation was in a great degree avoided, and there was consequently a much greater freedom of action than even, to this time, exists in the case of the English prisons.

In his annual reports, Mr. Hill strongly condemned a practice now generally disapproved of—frequent imprisonment of the same offender for short periods—and as a principle gradually to be approached and ultimately adopted, he advised commitments without limitation of time, leaving the prison authorities under the control of the government, and subject, therefore, to government responsibility to fix the period when the prisoner could safely be set free.

In England, the trial of the separate system led gradually to a general conviction that, while in the case of adults it is good as part of a course of discipline, its duration should not be long and should be followed by work in association, and, as far as practicable, under the ordinary circumstances of productive labor; and with regard to convicts sentenced to penal servitude (corresponding with the former transports) this has now, to a great extent, been brought about, so that these prisoners, as a rule, earn their whole cost, and leave confinement in good working order, and under circumstances favorable for entering on an honest course of life.

About the year 1840, Captain Maconochie, who had had experience which he turned to the best account, as governor of a large body of transports, and these of the worst class, in Norfolk Island, published his plan for substituting, in a great degree, hope for fear in prison management, by enabling prisoners, by industry and good conduct, as attested under a "mark system," to gain certain privileges

and even to abridge the term of their confinement, and although Captain Maconochie's work was never duly acknowledged during his lifetime, or perhaps even since, his children must have the happiness of knowing that their father did not labor in vain, and that his recommendations are now in extensive operation.

It was, we believe, Captain Maconochie who first introduced into the management of prisoners, the important principle, familiar to our Saxon ancestors, of mutual responsibility, and in this and other ways, as will be seen by a perusal of his works, he showed a great insight into human nature and the springs of action.

Some years afterwards, Captain, now the Right Honorable Sir Walter Crofton, brought forward his scheme for an intermediate stage between strict confinement and absolute freedom, and for preparing prisoners for the latter by gradual relaxation, with exercise in resisting the temptations to which complete liberty would necessarily expose them. This scheme, founded like Captain Maconochie's, on sound principles, was attended with great success; but as the scene of operation was Ireland, to which portion of the united kingdom this article does not extend, a fuller description of it will be given elsewhere.

Owing in part to the facts brought out before a parliamentary committee, and in part also to the action of the colonies concerned, which had become strong in their dislike to it, about twenty years ago the system of transportation was first greatly reduced, and was afterwards brought to an end; and although there were the auguries of disaster usual on all such occasions, it is believed that few persons now regret the change. On one point indeed—a most material one—all must be agreed, namely, that concurrently with the alteration, there has been a large decrease of crime even in the mother country, for whose special benefit the plan had been established.

In substituting imprisonment for transportation, the practice which had existed in relation to transports of granting, after a certain time, conditional liberty by "tickets-of-leave" was adopted as regards the new class of prisoners, and it has since been extended to some other classes. The main condition is, that the liberated prisoner shall, during a given number of years, report himself periodically to the police, in order that his residence may be known and a certain amount of superintendence kept over him, with a view to his return to prison, should he, at any time, be unable to show that he is earning an honest livelihood. For a time, "tickets-of-leave" were granted much too easily, and the superintendence of the police was inefficient, giv-

ing rise to much public complaint, but, after a while, these evils were remedied, and now the plan appears to work very well.

In the year 1854, owing, in no small degree, to the exertions of the late Mr. Matthew Davenport Hill, formerly recorder of Birmingham, and of Miss Mary Carpenter, an act was passed to establish reformatories; institutions which are now numerous, and which, with the cognate ones of industrial schools, have had a marked effect in bringing about that diminution of crime, already spoken of.

To reformatories, as to prisons, young offenders can be committed, the chief distinction between them consisting in the absence, as regards reformatories, of troublesome legislative regulations, and in the admission to the power of management of earnest voluntary agents, anxious for the success of their labors, a success indeed, on which all financial assistance from the state is made to depend. Thus a healthy rivalry is established between voluntary and official action, to the benefit, no doubt, of both.

To reformatories, by an act of 1857, were added industrial schools, under a like system, but intended for a yet younger class of offenders. The credit of the origin of industrial schools is due to Mr. William Watson, formerly, and for many years, sheriff-substitute, or local judge of Aberdeenshire, who, moved by the number of helpless children brought before him on different petty charges, opened, with the assistance of a few friends, so far back as the year 1842, an industrial school at Aberdeen, where children were fed, taught to work, and instructed in the usual elementary knowledge, to which he gave those brought before him the option of going, instead of being sent to prison. As might be expected, the little culprits gladly accepted the alternative of the school, and so successful was the result, that in a few years, and at the small expence of about £5 per head annually, the streets of Aberdeen were emptied of both young thieves and young beggars.

Industrial schools, like reformatories, have gradually increased in number, and have now, with them, become a fixed and very important adjunct to the prisons, in many cases indeed wholly superseding them.

We see no reason why the same wholesome competition, between official and voluntary management, which has been attended with such good results in regard to juvenile offenders, should not be applied also to that of adults, and Mr. Barwick Baker, a magistrate of Gloucestershire, who has, from the first, been a most zealous supporter of reformatories, some time ago made an offer to the govern-

ment to open and conduct a similar institution for adults, but unfortunately his offer was declined.

It may be useful, in conclusion, to consider what measures, with reference to British prisons, appear most desirable, with a view of completing that reform in which, it is pleasing to think, considerable advance has already been made. And we make this review the more readily, because we are of opinion that most, if not all the measures we shall name, are as much to be desired in reference to American as to British prisons.

The following are the suggestions which we venture to offer :

1. That considering that criminals are not, as a body, attached to particular localities, but are constantly moving from place to place—it being a mere chance whether the locality, in which one of them commits the offense which leads to his arrest and trial, is at all answerable for his training—the cost of prisons should fall on the state, and the state, through its government, should have their sole management, with ample provision, however, for turning to full account, under government control, that large amount of voluntary aid which in this, as in other matters, may always be counted on.

Under such an arrangement, government payment may safely be conjoined with much local management.

2. That, as an important step towards this end, all attempts to prescribe details of management in acts of the legislature should be abandoned, and the visiting justices of every English prison, with the sanction of the secretary of state, should be at liberty to adopt whatever system of discipline they may deem best. This is advised in the full belief that a careful observation, by government inspectors, of the results of the different plans adopted and their publication, would cause the gradual prevalence of that system which, on the whole, proved to be best.

3. That the practice of building prisons on costly sites and in an expensive style of architecture should be discontinued ; and that, in future, prisons be erected with strict regard to economy, and in such places as are most suitable for the profitable labor of the inmates.

4. That separate prisons, wholly under female management, should be provided for female offenders.

5. That the practice of short and repeated imprisonments be as speedily as possible abandoned, and that every offender be brought, in the very first instance, before a court armed with sufficient power to deal adequately with him. And, when it is evident that neither fine nor securities for future good conduct are applicable to the case,

but that it demands a course of training, the offender, according to his age, be sent to an industrial school, a reformatory, or a prison.

6. That, if public opinion were prepared for it, the commitment should not be for a specified period, but until the prison authorities, acting under the control of government, decide that the offender can be safely liberated; but that, under present circumstances, alterations of the law be gradually made with a view of enabling the criminal courts to pass such sentences as, in their opinion, will afford a fair prospect at least of reformation.

7. That treadmills, cranks and all other kinds of unproductive labor be abolished; and that useful and productive labor, equal in amount to an ordinary day's work out of prison, be everywhere established.

8. That, as far as practicable, piece-work be adopted.

9. That, as a motive to industry, every prisoner, subject to control in the mode of expenditure, be allowed the value of all work he may perform beyond his allotted task.

10. That the principle of mutual responsibility be extensively acted upon.

11. That in every prison provision be made for the separate confinement of any inmates whose isolation is considered desirable, whether for their own benefit or for that of their associates.

12. That no other attempt be made to enforce silence among prisoners than is usual among well-ordered laborers out of prison.

13. That the motive of fear be resorted to but sparingly, and that there be substituted for it, as far as practicable, the higher motive of hope.

14. That a general provision be made for the adoption of an intermediate stage between strict confinement and perfect liberty.

15. That by means of a well-administered poor law, discharged prisoners' aid societies, and otherwise, provision should be made for assisting liberated prisoners in obtaining work.

16. That provision should be made, as far as practicable, for maintaining a good influence over liberated prisoners, and for getting and recording trustworthy information as to their subsequent career.

13. PENAL : AN ELEMENT IN SOCIAL SCIENCE.

By RICHARD VAUX, President of the Board of Inspectors of the Eastern Penitentiary Philadelphia, Pa.

EXPLANATORY.—In the absence of the Hon. Horatio Seymour, permanent President of the National Prison Association, the Hon. Richard Vaux was made President of the Congress of St. Louis. For a full quarter-century, Mr. Vaux has been an earnest student of prison discipline, both in its principles and in their practical application ; and for the greater part of this time he has filled the office of president of the board of inspectors for the Cherry Hill prison at Philadelphia, a position which has opened to him rare facilities for such a study. Some years ago, by special request, Mr. Vaux prepared an essay for one of the regular meetings of the British Association for the Promotion of Social Science, on the subject which forms the heading of the present paper. It had been his intention to use some of the suggestions in that paper as the basis for remarks, proposed to be addressed to the prison Congress assembled at St. Louis. The author, having been called to discharge the duties of the chair during the sessions of this Congress, declined to occupy its attention, to the exclusion of members on the floor. He, therefore, kindly placed the essay in the hands of the secretary of the National Prison Association, who is charged with the duty of editing the volume of transactions of the Congress, with permission to make such use of it as he might see fit. The first part of the essay is a philosophical review, marked by keen analytical power, of the progress of civilization, from the village tent and bark canoe of the barbaric age, to the metropolitan city and iron-clad steamer of to-day. For two reasons—first, because not *directly* bearing upon the questions that engaged the attention of the Congress, and, secondly, because of the pressure upon our space—the review will be omitted, and only that part of the paper inserted, which deals specifically with the question of crime and criminal treatment, as follows :

Among the problems for modern demonstration in social science, is the cause of crime and the best punitive treatment of criminals. The growing intensity of the light of civilization has thrown a deep shade over motives or causes which operate upon that portion of populations which are subjected to the physical remedies of human justice. To discover these causes, reduce them into classes, and subject them to the operation of comprehensible principles, is becoming a necessity, if remedial influences are to be applied to their existence and consequences. The same necessity requires the same labor, for the equally important purpose of ascertaining the nature and organization of these disturbing elements in all social combinations. This may well be denominated a branch of social science. It deals directly with human nature under a dwarfed, abnormal, or diseased development. It meets it contaminated by physical causes, by hygienic wrongs, by animal predominations, by association with

degrading impulses. It finds such nature the sport of circumstances which direct, if they do not shape, its ends. It recognizes the same nature, morbid from depressing influences ; weak in the appreciation of right principles from vicious education ; wayward for want of the simplest discipline, either domestic, social or industrial. The moral constitution of this class of the community is in the deep shadow which high civilization casts on all interests, which are not voluntarily co-adjusted to its onward movement as part of itself.

With but one of the branches of this general subject we are now occupied. To make it clear in expression, we describe it as the abnormal condition of the moral status of individuals or classes—a diseased state of one of their three constitutions, produced by an undue influence of the physical or mental over the depraved moral, and developed in a condition usually called “crime,” but more properly or philosophically, moral disease.

Crime, or disease of the moral organization or constitution, is the consequence of motives and acts which violate human and divine laws. These declaratory and prohibitory enactments by society are for its self-protection and order, and for the safety and happiness of each and all its members. If law has this high aim, and meets with the approval of those over whom it operates, it may be regarded as a perfection of the human mind in securing so important a result.

The laws which regulate the health of individuals, those hygienic and sanitary regulations which protect communities from disease, are but synonyms of the principles and aims of jurisprudence. So, too, of the mental constitution. Thus we find that the purpose of legislation in physical and moral science is to secure objective health, a positive healthful condition of society, by the prevention and punishment of injurious influences or obnoxious acts. The analogy does not stop at this outline. Physical disease, which is epidemic, constitutional, chronic and contagious, gives to moral disease these prototypical characteristics. In both they are produced by causes which disturb the organic harmony of the system, either violating or impeding the natural operations of established laws. Thus we find that the most common form of communital maladies takes a character by attacking the most unprotected and exposed avenues of physical constitutions, and are designated as ordinary disease. In like manner it is observed that the common form of moral disease, or crime, takes its character from the liability of mankind to prove the violability which attaches to personal property. When malignant cases of disease startle the quiet of ordinarily healthful society, it is excited

to active efforts to subdue, or prevent their recurrence. So too we see the highest type of moral disease, or crime, awaken in the community a fear which demands the most stringent enforcement of preventive and corrective laws.

We have but sketched the broad facial lines of this resemblance, and it will be admitted as a postulate to the proposition, if the less is contained in the greater, that the analogy between these proportions is coincident.

We refer to another similarity which is important. The difference in the character and accumulation of disease in dense populations is known. In like manner we find the character and frequency of crimes in these populations almost equivalent. Manufacturing and agricultural people, cities and villages and farm-country, present the same distinctiveness and ratio of disease and crime. We can fairly assume, then, that the causes of disturbance in the physical and moral, individual and social systems, or constitutions, are found in the diseased condition of each. These causes find their origin in effects of civilization. Medical science has accomplished much in the prevention and cure of physical disease. It has produced classes and schools, which teach special hypotheses and treatment. Hygienic and sanitary laws are improved, ameliorated, and progressive. Physical health owes a great debt to medical science. Social science is just establishing itself as another outgrowth of civilization. Among the subjects which specially belong to it is the treatment of crimes, which a highly developed social organism produces, growing up and out of its dark shadows.

To treat this important subject as it demands is now impossible, since we have so imperfect a basis on which to test principles from well-ascertained data. Philosophical research has never yet been properly extended, or systematically attempted. Isolated facts, general observations, theoretic suggestions and immature deductions on the most partial and ill-digested basis, meet us only in disconnected form, and from a few sources.

Crime has been looked upon, till almost within the circle of our age, as a repulsive and forbidden subject, and criminals as a class so abandoned as to be unworthy of social reformatory influences, or of that scientific treatment which is best adapted to moral disease.

We are left without the knowledge which collected intelligent experience gives, to grope our way with the information we have, guided only by the analogy which we have invoked. States and nations have heretofore taken the most limited, because a purely

practical, view of the most convenient mode of dealing with the convict class in their populations. Social economy has had a direct influence on these several modes or systems. That which was cheapest has always been regarded as best, and under this mercenary aspect of the subject, prisons and prisoners have been handed over to the shrewdest management.

Within the last quarter of a century social science has directed its attention to penal systems; and the rapid advance it has made in the reformation of the past is now attracting grave notice in America and Europe.

Thus far we have made no original discoveries as to the soundest system of convict treatment. Consider hence that what has been accomplished are results from analogy to the improved treatment of physical diseases, although it has not been admitted. The courage necessary to make so frank an admission has been either wanting, or its expression has been deemed unwise.

It is indisputably true, however, that the present state of reform in criminal jurisprudence and convict treatment has been based exclusively on the principles of prevention and cure, preventive laws for punishment and example, and penitentiary discipline tending to convict reformation. This is but the type of hygienic and sanitary laws for the prevention of disease, and the most approved curative practice which medical science has sanctioned.

Taking, then, preventive means and reformatory systems of crime and convicts as they now exist, we come to the consideration of the question, which of both is better adapted to the end?—as we observe their effects according as each is administered.

The best system for the prevention of crime is a question for social science to determine almost exclusively, as it relates to the developed condition of civilization in each state or among populations. The highest and lowest extremes of communital life, either in class or masses, must be primarily considered, before the adapted means can be best understood.

The present preventions are mental, moral and industrial education, since these are accompaniments of civilizing progress. It has not yet been ascertained with sufficient certainty how far each has by itself promoted the decrease of criminal offenses. Conjoined and wisely co-adapted and judiciously in operation, they will elevate individuals to a higher status in social combinations. But do they not merely change the character of the crime committed? Do they eradicate the causes of crime, or decrease them? They are sanitary meas-

ures against moral disease, most plainly changing its type, it may be, from a violent to a milder form.

The great want, the urgent necessity which exists, as a principal preventive of crime, is discipline, restraint, subordination, self-control in the youth of populations. A regimen or diet of the moral and constitutional appetites is the first social present necessity, under the liberalizing and extreme license-producing influence of social freedom or civilization. Education—moral, mental, mechanical and scientific—must be enlarged in its influences, to embrace the teaching of this necessary requirement. The character of the youth must be so modified as to be subjected voluntarily, or by educational means, to discipline, or training,—a voluntary or established moral hygiene.

The attempt has been made to show that civilization, in its effects on mankind, has, by its modifying influence, created a new condition in social organism; and that, so far as this change has been effected, it has been a consequence of a creative power.* Involved in this proposition is the theory, that this change in the whole social condition outcrops in special modifications. These are demonstrated in natural philosophy, medical and material sciences, mechanic arts, and letters. It is then proposed as a postulate, that the same modifications exist in the moral condition of man, and there too this creative power manifests itself. Moral science having yet, being in its infancy, made no *sui generis* or special development of particular or peculiar systems or laws for its government and success, it is asserted that it has taken its principles by analogy from medical systems and laws. That disease being a disturbed condition of the physical constitution, crime is the result of a like condition of the moral constitution. The laws which experience and knowledge enact for the prevention and cure of physical maladies, are typified in those which the same experience and knowledge have adopted in the prevention and reform of crimes and criminals.

It is proposed here to suggest how the cause of crimes discovers itself, as that of disease is detected by the form it assumes.

Crime is then either constitutional, chronic, or contagious. It may be thus subdivided: crimes of education, of association, of the lusts, of impulse, of the passions—morbid, epidemic, and physical.

These distinctions arise from the effects of civilization on the entirety of the social constituency. They are the germs and growths of the deep shade which lies over any portion of the people not

* In this statement Mr. Vaux refers to his review of the progress of civilization, mentioned in the explanatory note prefixed to this paper, and omitted for reasons there given.—E. C. W.

within the influences of civilizing modifications. The cause which conduces to a brutal attack on persons, springs from a stolid moral constitution, unmodified by civilization ; while that which is developed in an ingenious effort to prejudice the rights of property results from an intellectual proficiency, taught by social enlightenment. The cause of each is moral disease, produced, or created, or modified by civilization. So we see a physical malady of the most disgusting and fatal character in one, while the same causes, under the ameliorating influences of medical knowledge, in another take a milder and tractable, and not necessarily a fatal form.

It has been suggested that moral science should attempt a solution of the problem for prevention of crime. As yet no principle or system or means have been devised to successfully accomplish this end. Ingredients of such as are now believed to be competent, can be found valuable preventions, but it requires the incorporation of the principle of discipline, control, self-government, restraint in the youth, to be added and made efficient, before practical advantages are gained by any.

The treatment of crime as it exists in criminals, or the punitive and reformatory systems now adopted, demands a brief consideration in this general view of social science as applied to moral diseases.

When attention was first directed to this subject, crime was regarded as a normal condition of individuals, and these criminals were not within the reach of any of the modifying influences of social science. Then criminals were merely isolated from society for arbitrary periods of time, and left in that relation until the expiration of this, to them, domestic or foreign exile, in the locality to which they were banished.

So soon as the analogy between crime and disease began to attract the notice of the intelligent observer, efforts were made to ameliorate the condition of convicts. This gave rise to that inchoate reformation in punitive treatment of individuals, which now, by its advance, has gained the rank and name of the science of penitentiary discipline.

Without tracing the progress of this modification or creative power as applied to penal jurisprudence and crime-cause, essentially an element of social science, it will suffice and conclude these remarks, to speak of the two systems now in operation.

These systems of penitentiary discipline, or prison discipline, are known by the terms or designations which identify the principles

on which they are based. The one is called "The Separate or Pennsylvania System of Penitentiary Discipline;" the other "The Congregate System of Prison Discipline."

The foundation of the separate system is that of an approved philosophy. It accepts, if it does not announce, its analogy to the principles, discipline and treatment of physical disease, which science has sanctioned by its theories and practical proofs of their truth. By this penitentiary discipline, each prisoner is treated individually; separated from convict contact and contamination; freed from the depressing and degrading consequences of association with other co-criminals; strengthened to effort for regaining lost moral and social health; brought within the direct personal influence of reformatory or curative treatment, and its most salutary modifying causes; subject to improvement from earnest effort of instruction in mind and handicrafts; placed in the most accessible relation to those creative forces, which in operation change the moral constitution. Thus each convict is surrounded by reformatory processes, and the effect on his crime and its cause is watched, as physical disease is watched, to test the remedies, and resort to such as best suit the purpose of his punishment. Thus each prisoner is individualized, and the discipline is individualized, and by this system the cause of his crime, the constitutional moral infirmities which exist to produce it, are attempted to be removed. It is sought thus to remove him from under the shadow of those social institutions which have failed to benefit him, and left him behind in their progressive march. If it does not enable him to reach at once their advantages, it at least aids him in the effort to gain them, points the way, furnishes him with some requisites for success, and, when at last attained, renders him able to participate in their benefits.

Such a system has at least a claim of merit, as it rests on a philosophy which elevates it to a position worthy of the name of science.

The congregate system masses the prisoners; treats them in classes; associates them; retards improvement by presenting to them the idea of degradation; depresses them by the tainted atmosphere of the moral disease which surrounds them; reminds them of their condition; recalls constantly to their minds the consciousness of their diseased moral constitution; gives them opportunity to compare their social maladies; informs them that they are a class, and they thus by association know who belong to this segregated portion of society. It may and does improve individuals, as

patients in a hospital are cured, while others, for want of approved special treatment, die. This system is irrational, since it rests on the principle of class-treatment as the opposite of special individual treatment. As well might a number of persons, afflicted with various physical diseases, be placed in an apartment, and there receive only one remedial application, without regard to the peculiar disease of each patient. How far such a course of medical practice would be justified, is a question which common sense readily would answer. If the analogy is even plausible between physical and moral disease, then the moral treatment of convicts, based on the congregate or class system, is liable to question.

The intermediate plan, as between these two opposite systems, partakes of neither the benefits of one nor the evils of the other, but so blends them as to neutralize both. The convict is left to the negative influences which these two principles precipitate, after having in combination, neutralized the curative by the injurious. If his moral constitution has vital force sufficient to overcome his crime-cause, he may reform; if not, his moral disease becomes chronic—a convict, by the weakness of his moral constitution. His life is passed in the deep shadow of high civilization, and there, associating with those like himself, forms a class in society requiring the like preventive measures applied to it, which sanitary laws against diseases demand, and which science has developed and legislation enforced.

It will not seriously be asserted that a community, which is kept free from disease only by stringent artificial laws of prevention, is the equal of one where salubrity is the positive condition, and, consequently, that society which is protected from the crime-class by police supervision is less secure than one exempt from such sources of mischief. The very fact that a class in society requires such supervision, is not only pernicious in its effects on the general population, but it is crime-creating or inducing in that class itself. It tends to consolidate, combine and render it formidable. It is a dangerous and injurious modification of the moral constitution of this class, and creates evils it was intended to prevent, multiplied, if not of so eruptive a character.

The want of carefully prepared statistical information on the subject of crime, its causes, and the essential coincidents of age, education, character and habits of offenders, has been adverted to in these remarks. Now it is, we sensibly feel this want.

It may be asserted, however, that about fifty per centum of

criminals, taken generally from populations, are under twenty-five years of age. Of their educational, industrial, and moral and social training we cannot speak with certainty. It can be asserted, however, that to discipline, self-control, or restraint they were rarely subjected. To such preventive influences they have been almost strangers. Their physical as well as their moral constitutions have not yet been formed or strengthened to resist alike the attacks of physical and moral disease.

When such individuals are liable to penitentiary discipline, it is contended that the separate, or individualized treatment is not only the most philosophical, but the most curative.

That, if reform is the primary object of penitentiary discipline, then the separate system presents the most certain means to this end.

It is also contended that the spirit, purpose, and end of punitive treatment is to improve, cure, or reform those subjected to it. In its effect it should be remedial, if not curative. Individuals, under the application of the discipline of any such system, as well as society itself, into which they are to return, are entitled to these advantages. Society has an equal claim with the individual, to the establishment and proper administration of the best system of punitive laws. This claim is not only strengthened, but raised to the dignity of a moral obligation, self-imposed, to secure for the coming age all the benefit which such a system or code of laws can give. The youth-class of offenders, growing as it does, and important as it becomes, in social development, finds its usefulness or uselessness depending on this cardinal element in social civilization.

Thus, medical science, and the systems and laws for the promotion of individual and general health; social science, and the systems and laws for the attainment of personal and crime-class reformation and restitution to social favor; moral science, and the systems and laws for the discovery of equalization of the best remedies and preventives of moral disease, are directing their energies to refract, into the deep shadows of civilization, a light by which to understand and remedy the evils there indigenous.

It has been attempted, in these cursory remarks, to show, that social, like medical and mechanical knowledge, has been the acquirement gained from the modifying creative force of civilization; and that these and other sciences are its productions. Natural philosophy is yet developing the truths which nature is yielding to persistent effort. Social science has derived from analogy, from medico-scientific attainments, the primary principles which are thus

far applied to its ends. Penal science is an important ingredient in the system to be established for communal health, security, growth and gain.

These views are expressed, in the hope that some suggestion presented may direct attention to a subject of significant importance to mankind. The freedom of thought and the license of liberty, which are marking our age, require that preventive as well as corrective laws for social stability should be based on principles sanctioned, as well as recognized, by the necessities of an advancing civilization.

ANNUAL REPORT OF THE SECRETARY.

The undersigned respectfully submits the following report on the penal and reformatory institutions in the several states of the Union, containing as comprehensive a review of their condition of progress during the year 1873, as the materials at hand will enable him to offer :

PART FIRST.

STATE PRISONS.

1. *Alabama.*

The annual report of the inspectors and warden of this prison bears date October 10, 1873, and covers only the seven months preceding the close of the fiscal year, viz. : from March 1 to September 30. The reason assigned for this limitation is, that at the latter of these dates a new administration was installed, and that the previous officers had left no materials, out of which any account could be rendered of the transactions of the first five months of the prison year. The inspectors declare that, on their induction into office, they found the prison an almost absolute wreck ; and this statement is confirmed by the new warden, Mr. Willis, who says: " On the first of March, when I took possession, I found everything in a dilapidated and decaying condition." The new authorities immediately began the work of cleansing and repairing ; and at the date of their report most of the evils previously existing had been measurably removed. The warden says :

Most of the convicts were at work on the railroad, under Rucker and associates. I had them all brought to the prison, owing principally to the fact that their condition was such that, unless they were better cared for, they would all soon die. The hospital here was in a very filthy condition ; it leaked, and was totally unfit for a place for the sick. I have had it entirely renovated ; have raised the building about three feet, put on an entire new roof, and painted the prison both inside and outside. The main building, as well as the fence inclosing the penitentiary grounds, were also in a decaying condition, all of which I have repaired, as far as possible, in a most substantial manner.

An important measure has been adopted by the new board of inspectors—one whose progress and results will be watched with

interest by the friends of prison reform throughout the country. By authority of an act of the legislature, approved March 29, 1873, a farm was purchased, and also utensils, mules, and other necessary appliances for carrying on agricultural labors on an extensive scale. Work was begun in earnest. A considerable area was planted with cotton seed, and the crops gave promise of a bountiful yield; but, owing to the late date at which the farm was purchased and the backwardness of the spring, the caterpillar, that "curse of the cotton belt," despite the early promise, swept over it, and the yield was extremely light. The corn crop, however, was excellent, yielding 6,000 bushels, valued at \$4,500. Six months after the purchase of the farm, the inspectors say :

Notwithstanding all the difficulties and providential disasters that man was powerless to avert, the state plantation, to-day, is worth more by five thousand dollars than at the date of purchase, on account of the valuable improvements made upon it by the warden and farm superintendent. The crop will be sufficient to about pay expenses, and with anything like a favorable year in 1874, we feel satisfied that the new agricultural industry will prove a marked success.

To this the warden adds :

I have cleared some sixty or more acres of the most valuable land, and erected permanent buildings to accommodate eighty to one hundred hands, and competent judges estimate their value at three thousand dollars.

Dr. Mason, the physician of the prison, reports the convicts remaining at the penitentiary and those working on the farm as remarkably healthy, more so indeed than the people of the surrounding country. The sick on the penitentiary farm and of the convicts employed by persons near the prison are sent to the penitentiary for treatment, where the number of deaths during the year was only eight. Far otherwise were both the sickness and the death-rate of the prisoners who work on the railroad. In regard to these, Dr. Mason says :

The papers sent up from the superintendent of convicts employed on the railroad are not such as to enable me to make a satisfactory report. The number of deaths from the 1st of October, 1872, to 1st of March, 1873, was 25; and from the latter date to 1st of October, it was 14.

After this statement, none will wonder that the warden, in a passage previously cited from his report, should have declared that, "unless the convicts at work on the railroad were better cared for, they would all soon die."

It is not quite clear from the report whether the leasing system of labor is still continued at this penitentiary. The inspectors speak of

"the present laws relating to the penitentiary, and the hiring of convicts upon public and private works" and of the "prisoners as being necessarily in different localities." They further say :

We have twice visited and inspected the convicts at work in June last at the Ironton mines, and afterwards transferred to the Savannah and Memphis Railroad, and at each visit we found the convicts well fed, clothed and provided for, and seemingly as contented as it was possible to be under the circumstances. We feel that we should not fail to state in this report the marked difference in the humane treatment of convicts by employers and contractors, under the present management and that which has formerly been the rule.

In regard to the labor of the prisoners the warden holds this language :

The convicts under my immediate charge I have endeavored to work for the best interests of the state. I have had about fifty at the mines at Irontown ; fifty on the state farm ; and the balance within the walls.

There is one thing in this report which, to my apprehension, is open to grave criticism. I refer to the publication of the names, with a specification of the crimes, of all the convicts confined in the penitentiary during the period covered by the report. The effect of this is to advertise the criminal, on his discharge, to the whole world ; it is almost equivalent to the title of thief, burglar, cut-throat, counterfeiter, branded on his forehead. It must prove a formidable impediment in the way of obtaining honest work, and thus become the means of driving many a well-disposed and well-intentioned convict back to crime and to prison. It is the same thing, though in a different form, which made the life of Jean Valjean, the liberated galley-slave, in Victor Hugo's great work (*Les Misérables*), at once a living lie and an intolerable burden. But for an advertisement and a warning, similar to that given by these inspectors and this warden, all unwittingly, I am sure, that wretched man who, of necessity, was ever seeking a hiding place from the pursuit of the ministers of law, ever studying to conceal his identity and his residence from the knowledge of his fellowmen, might, despite the accident of a criminal conviction in early life, have risen to those exalted honors, trodden those walks of enlarged usefulness, and enjoyed that serene flow of contentment and happiness, to which he had been destined by his noble nature and his lofty principles.

As far as appears from the report, no provision is made for either religious or scholastic instruction ; a grave omission, which, it is to be hoped, will be speedily repaired.

Governor Lewis, in his message to the legislature, November 17, 1873, makes the following sensible remarks in relation to the penitentiary :

The management of your penitentiary is at present on a plan partially only experimental and provisional. The agricultural branch, though not likely to be a source of profit for the present year, from causes that were general in that portion of the state, will, it is hoped, yet be remunerative. The hands within the wall of the penitentiary, engaged in manufacturing under contract, are producing articles which must command ready sale where such things are needed. Other inexpensive branches of manufactures might be introduced to advantage for the employment of such convicts as must be kept within the inclosure. Much progress has been made by the present warden in the repair and improvement of the penitentiary. The increased number of convicts in comparison with former years, and the difficulty of caring for them with the combined rigidity and humanity which justice and charity demand, devolve on the General Assembly a duty of great delicacy.

2. *Arkansas.*

Several letters, addressed to the warden of the state prison, asking for any report that might have been made on the affairs of that establishment last year, or, in default of a published report, for any statements of his own on the subject, failed to elicit a response. The governor of the state, in like manner, failed to make any allusion, in his annual message, to its prison or prison administration. The natural (I will not venture to say the just) inference from these facts is, that the question of prison discipline and reform is a matter that excites little interest and commands little attention or effort in Arkansas.

3. *California.*

Although, as regards prison reform, California cannot, in the words of an Apostle, be said to have "attained," yet she is evidently making progress. The report of Lieutenant-Governor Pacheco, who is *ex-officio* warden of the state prison, is a sensible document. The three pages of Governor Booth's message, devoted to penitentiary and criminal matters, contain, with some things of questionable policy, many valuable suggestions, enforced by cogent logic.

The state prison of California is one of the largest in the country. The whole number of inmates for the two years ending June 30th, 1873 (the reports are made biennially) was 1,654, and the average daily number 915½.

The buildings connected with the state prison are reported as substantial and in good condition ; but the wall surrounding the

prison, being of inferior brick, is in a rapid process of softening and decay. Substantial and tasteful dwellings have been erected for the warden and other officers. Extensive repairs have been made, and the prison throughout has been thoroughly painted. The prison grounds have been graded; the roads have been filled, raised, and macadamized; sidewalks have been laid down where needed; new flower-gardens have been made; shrubbery and shade trees have been planted, and the entire grounds have been inclosed with a neat board fence. Water, formerly scanty and uncertain, is now supplied for all purposes in abundant measure. A reservoir of cement and brick, which will last for ages, and is capable of holding 420,000 gallons, has been built on the brow of a hill near the prison. The broom, scrubbing-brush and whitewash brush are never idle, so that the prison is kept always clean and neat. The food of the prisoners is abundant, nourishing, and palatable; they are provided with a sufficiency of good clothing, shoes and bedding, and they seem, according to the statements of the report, to have every comfort, except sufficient cell room, that is compatible with their condition of incarceration.

On the subject of discipline the warden holds this language:

It is difficult in the extreme to know just how to enforce prison discipline, and at the same time to encourage the culprit to attempt a different and better life. There are comparatively few who do not appreciate that kind of treatment which recognizes and appeals to their manhood. Let a prisoner feel that he is treated with injustice, and a defiant, dogged spirit is roused within him, which will put an effectual bar to all hope of amendment on his part. But give him facilities for improvement, commend him kindly for duties well performed, hold out the possibilities of a better life, and there are few who will not begin by wishing to amend; and that this is the first and most important step in the right direction, no one will deny.

Let the officers of a prison be only those who believe that, however abased or hardened a criminal may be, it is yet *possible* for him to reform, and another great point is gained. Such an officer will not readily abandon his efforts to rouse into life the dormant spark of right feeling which, let us hope, exists in every breast, however steeped in crime its possessor may be.

Our policy has been to govern, as far as possible, by presenting to the prisoner motives that would induce him to right action and good behavior. The atrocities which disgraced the prisons of a by-gone period should not be repeated, or even tolerated. Yet punishment is sometimes an absolute necessity. To fail to inflict it would be to fail to govern, since there are those who seem to construe everything like humane treatment as an indication of weakness.

The mode of punishment now generally practised is confinement in the dungeon, with a limited allowance of food. We have used, to some extent, the shower-bath applied moderately, and but very rarely the whip.

These are wise and manly words—only it were well that shower-bath and whip should be banished wholly and forever, as instru-

ments of punishment. They belong to that sort of treatment, of which the warden speaks as rousing in the prisoner "a defiant, dogged spirit;" and other agencies may be substituted which, so far as securing obedience to prison rules is concerned, will accomplish all, and more than all, these harsh and brutal inflictions can effect.

Mr. Pacheco well remarks that it will be "another great point gained," when all prison officers "believe it *possible* for the debased and hardened criminal to be reformed." Let me add, it will be a still greater, when all heartily *desire* his reform, and honestly *work* for it.

The warden criticises, with a just severity, the false economy of the state in denying to the prisoners sufficient cell room for the sanitary and moral purposes of a right prison discipline. The physician, Dr. Randle, in a report remarkable for its breadth, thoroughness and general ability, renews the attack, and goes into a minute analysis and statement of the whole subject. This part of his report is so interesting and instructive, and is likely to prove so especially acceptable to the medical officers of other penal institutions, that, long as it is, I do not hesitate to insert it, unabridged, in the present paper :

It may not be inappropriate for me to show, in a sanitary point of view, the sleeping capacity of the prison, with the present amount of space occupied by each prisoner. Some of the prisoners sleep in large rooms, some in cells with four beds, some with two beds, and some with one bed, as follows :

ROOMS.	No. beds.	Size.	No. cubic feet.	Obstruction.	Cubic feet to each man.
Red room.....	36	25.9x21.7x10	5,553.4	810	131.9
B.....	45	34x22x11.5	8,539.8	.....	189.9
No. 1.....	21	12.7x22.7x10	2,712.6	405	109.10
No. 2.....	39	25.9x21.7x10	5,553.4	810	121.8
No. 3.....	45	25.9x21.7x10	5,553.4	810	105.5
No. 4.....	45	25.9x21.7x10	5,553.4	810	105.5
No. 5.....	39	25.9x21.7x10	5,553.4	810	121.8
No. 6.....	45	25.9x21.7x10	5,553.4	810	105.5
48 cells, each.....	4	10x6x7.9	465	.....	116.3
66 cells, each.....	2	9x4x7.9	279	.....	139.6
330 cells, each.....	1	9x4x7.9	279	.....	279
Total accommodation	969	Total No. cubic ft.	177,326.2	5,265	.....
Total number of beds outside the hospital for prisoners.....					969
Total number of cubic feet.....					177,376.2
Average cubic feet to prisoner.....					177.7
Highest number of prisoners since January, 1872.....					851
Lowest number of prisoners since January, 1872.....					894
Average number of prisoners since January, 1872.....					920

Hospital has two rooms, 34x22x10.10, each. Total cubic feet, 16,206.8. Average beds, 23. Cubic feet to each patient, 704.7.

It will be seen by the above statement, which is strictly in accordance with measurement, that the patients in the hospital have an average of seven hundred and four cubic feet of space, which is quite little enough. The laws of physiology and hygiene require, as minimum, five hundred (500) cubic feet of well ventilated space for each individual; and when prisoners are crowded together, with only one hundred and seventy-seven feet of illy ventilated space, re-respiring an atmosphere loaded with an effluvium from more or less diseased lungs, and unhealthy and unclean surfaces of the bodies of their companions, they cannot remain free from the contaminating and deteriorating influences and effects of such abnormal conditions, and are constantly frequenting the surgery.

The sanitary management of the prison has been conducted with unremitting and scrupulous attention and energy by Lieutenant-Governor Pacheco, who has the respectful confidence and good will of all the prisoners. A large proportion of the convicts sent to the prison, especially those from the large cities and towns, are affected with chronic diseases upon their arrival, such as syphilis, phthisis, scrofula, rheumatism, etc., generally contracted previous to their arrest, and aggravated by confinement and want of attention in the county jail; some of whom do not sufficiently recuperate to be able to perform ordinary labor for weeks and months; and some never recover, but linger awhile, and die from exhaustion and a dilapidated constitution, notwithstanding all the attention (both medical and nursing) that can be rendered them. I take pleasure in believing that the hygienic condition of the prison has much improved since the physician has been required to reside here.

The warden points out the moral effects of such a herding together of prisoners in the following earnest and forcible sentences:

It must be apparent to all thoughtful minds that a system of congregating in one room over twenty-two persons, who may have been convicted of as many different crimes, is entirely wrong, and must reflect severely upon the people of our state. Surely words are not needed to show the terrible consequences of the free mingling together of all sorts of convicts, or of thrusting them indiscriminately, by the couple or the half dozen, into the same cell. Nothing could be more utterly subversive of all the purposes of punishment, whether exemplary or reformatory; no better contrivance could be invented for giving vice the fullest opportunity for fermenting and propagating its contagion.

The young in years and crime are thrust into the companionship of old and hardened graduates from every prison in the civilized world. These old transgressors not only embrace every opportunity of recounting past exploits in crime, but ridicule every effort at reformation they may detect in their associates. It is impossible to over-estimate the moral injury thus inflicted.

Lieutenant-Governor Pacheco attacks, with no less vigor, the contract system of prison labor. His words are:

It will be seen, by the foregoing, that the labor of the convicts is let to contractors, who hire it, for a stipulated period, at forty cents per day for each man. I believe the rates paid for the same are not, on the average, more than one-third what is paid for the same kinds of labor outside, while the convict laborers do about three-fourths as much work as the same number of free men. The contractor can obtain the labor of three convicts where he would get that of one citizen. In other words, the labor of twelve convicts will cost no more per day than that of four citizens, yet the convicts will do nine days' work while the citizens will do but four. Thus, every dollar

paid for convict labor should produce at least as much as two dollars and an eighth expended on citizen labor. Besides getting the labor of prisoners at these cheap rates, the contractors are furnished with water, machinery, and all necessary shop and yard room, rent free, an item which should be considered worth hundreds or even thousands of dollars per annum. Under these circumstances, without competition, or even demand for our full number of men, the state will continue to be the loser by a system which sells the labor of its convicts at such terribly low rates.

The following fact is worthy of consideration : While our free laborer earns higher wages, we do not receive as much for convict labor as similar institutions do in the eastern states ; and wherever prisons are self-sustaining, convict labor brings no less than seventy-five cents per day.

He deals this side-blow at the system, in reporting what little is done by way of educating the illiterate prisoners :

That the lamentable ignorance of the majority of criminals is in a great degree the cause and prompter of vice can scarcely be doubted. But the existant contract system deals an almost fatal blow at the project of educating, in however slight a degree, the men whose labor they buy. However, the little that can be done is being done. The school under the direction of the moral instructor is carried on, but with far fewer pupils than could be wished ; and if the desire for useful knowledge is strongly implanted in but two or three breasts, the work should be continued. Much good is being done by the members of the Prison Commission, whose visits are unfailing and regular. The very fact that the sole aim of these gentlemen is to promote the welfare of the prisoners, without any hope of reward, has a strong moral effect.

The warden goes on to say that he would be inclined to recommend that the state should work its convicts on its own account, *provided the officers of the prison were made permanent, and its head were a man of integrity, possessing fair business talent.* I have caused to be printed in italics the words on which the whole question hinges. The contract system is in itself, objectionable on financial, disciplinary, and moral grounds : *On financial grounds*, because, under it, the profits arising from the labor of the convicts go mainly into the pocket of the contractor. *On disciplinary grounds*, because, first, it places the prisoners for the entire working day, to a great extent, under the control of men with no official responsibility, men who, for the most part, see in the convicts only so much machinery for making money, men whose chief recommendation to the positions they hold is that they were the highest bidders for the toil and sweat, out of which that money was to be made ; because, secondly, it introduces among the convicts, as superintendents of their labor, strangers to the prison, who are employed by the contractors as agents, foremen and instructors, men utterly without responsibility, men selected with little regard to their moral character and often without morals, men who do not hesitate to smuggle liquor and other contraband articles into the prison, and sell them to prisoners at 100, 200, 300 per cent.

above their market value ; and because, thirdly, it sets up in the prison, if not elsewhere, certainly in New York, "a power behind the throne greater than the throne,"—a power which is well nigh omnipotent, a power which coaxes, bribes, or threatens in pursuit of its selfish ends, a power which makes and unmakes officers, imposes and remits punishments through agents whom it has bent to its will, and even stoops to devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by his punishment. *On moral grounds*, because it hinders and, in too many cases, prevents the reformation of prisoners. The pursuit of the prisoner's reformation, through agencies suited to that end, is a work in which time is an essential element. It is at this point that the contract system impinges, with a crushing force, upon the great work of reformation ; and too often the collision proves fatal to it. Contractors have no interest, *per se*, in the reformation of the prisoners. *Their* interest as contractors and the interest of the *prison* as a reformatory institution not only do not run in parallel lines, but they are repellant and antagonistic. Let any changes be suggested with a view to giving more time to mental, moral, and industrial improvement, and the suggestion is sure to be met with the objection : "The contractors will not agree to such an arrangement ; they will not consent to such an abridgment of the convict's labor." Thus does the contract system of prison labor, by a necessary law, by an instinct of its very nature, oppose itself to all those great and vital forces of reformation, by which, if at all, the inmates of our prisons must be reclaimed, regenerated, and re-absorbed into the mass of upright, industrious, honorable citizens.

But much as, for these and other reasons, I feel opposed to the contract system, I entirely agree with Warden Pacheco that, until the system of political appointments is replaced by one in which the administration shall be made permanent in the hands of competent and upright officials, its abrogation would be the supreme of folly. What could be more insane than to place the business affairs of our great prisons in the hands of men who, nine times out of ten, would be wholly inexperienced in such matters, and would, moreover, be sure, after but a brief incumbency, to be displaced for not belonging to the right party, and to be succeeded by others equally without qualification for so great a trust ? Such a system, if adopted by any railroad, banking, insurance, or other great business company, would, within a decade of years, inevitably precipitate it into utter bankruptcy and ruin. Therefore until, through reforms in the fun-

damental law, our prisons are taken out of politics and placed under competent and permanent administrations, it is "better to bear the ills we have than fly to ills we know not of."

At the risk of going over, in part, the ground already traversed, I cannot withhold an extract or two from the excellent message of Governor Booth, who shows himself at once, in this as in other parts of his talk to the legislature, sound in judgment, strong in argument, and skillful and forcible in the use of the pen. In speaking of the state prison, he thus touches on a variety of points:

The state prison is one of the most important subjects in connection with the state government, and I earnestly commend to your consideration the report of the resident director. The history of the state prison is not creditable to the state. There has been no settled policy in regard to it. Each administration takes it where its predecessor left it, does the best it can with the very limited facilities afforded, and attempts to make such improvements as its own experience suggests. The treatment of the prisoners is humane; they have a sufficiency of coarse, healthy food, and no greater punishment is inflicted than is deemed essential to maintain discipline. The hygienic condition of the prison is as good as it can be where the prisoners are confined twelve hours in twenty-four in imperfectly ventilated cells and rooms, with an average of not more than one hundred and fifty cubic feet of air to the inmate. That there should be so little sickness, and an average mortality less than that of the state, speaks highly for the healthfulness of the location, and the skill and care of the surgeon. The prisoners who are able are kept employed, when not at work for contractors, about the grounds and buildings. This is all it is possible to say in favor of the management of a prison where three hundred and fifteen convicts are confined in eight rooms, one hundred and ninety-two in forty-eight cells, and one hundred and thirty-two in sixty-six cells, without a possibility of classification. Two things are essential to any further improvement; a separate cell for each prisoner, and a permanent directory. The machinery of courts and officers employed to convict offenders is expensive, and it is the worst possible economy to send the convict to a school of crime; it is a species of injustice and moral cruelty to the convict, for which no physical humanity can atone. A prison where the young and the old, the hardened and the unfortunate, are huddled together promiscuously, is necessarily a school of crime.

The science of prison discipline is attracting the attention of many of the ablest living minds. The system which is best for one country, or one state, may not be the best for another. There should be a permanent board of control, who would make these various systems their careful study, and adopt from each what is best for ours.

The employment of convict labor by contract has been the subject of just criticism. There is no choice between this and idleness, until the prison is placed under the control of a permanent board, by whom the business of the institution could be managed upon a policy fixed for a longer term than four years.

The governor favors the creation of a permanent commission to hear applications and recommend applicants for pardons, and also the policy of one large prison instead of two of moderate size, from which latter recommendation, for reasons into which I cannot now enter, I strongly but respectfully dissent.

He gives his views on the question of capital punishment in these words :

During my official term, eight men convicted of murder have been executed, two have committed suicide to avoid execution, and there are five now under sentence of death. The right of society, for its own protection, to affix the death penalty for the highest crimes known to the law, is conceded ; the policy of its exercise under the present conditions of our civilization, is a matter of grave and serious doubt. In the discussions between the advocates of capital punishment and of life imprisonment, this only is clear : that the conditions of human society are so variable that it is impossible to determine, from any statistics, which system has the greater efficacy in preventing crime—the one, armed with the terror of death, the other, with the greater certainty of punishment. It is fair to suppose, then, that there is no decided difference, or it would be made evident. It remains true that the shame, the humiliation, the dark shadow of despair that often falls upon innocent friends, is an inconceivably greater penalty than the snapping of the brittle chord of life. Whether we regret it or rejoice at it, we are not made of as stern stuff as our forefathers, and the infliction of the death penalty is a shock to the moral sense of at least a large minority, and carries through the sensitive nerves of society a thrill of remorseful regret to thousands of tender hearts. Sometimes, too, the awful solemnity of the scaffold is converted into a melo-dramatic scene, and made the occasion for the exhibition of a sympathy akin to admiration, which exalts the murderer into a hero, and effaces the lesson of his punishment in pity for his fate. We may blame these things ; should we not also avoid them ?

Executions are required to be private, but, in this age of newspapers, they are faithfully reported to every fireside, and whatever of evil influence there was in public executions before the newspaper age, is necessarily increased in tenfold degree. I am of opinion that the death penalty should be abolished, and some kind of imprisonment, different from that provided for crimes of lower grade than murder, should be devised instead ; and that in such cases, the power to pardon should be so circumscribed as to require proof of innocence, before it could be exercised.

And thus on the disposition to be made of persons acquitted on the ground of insanity :

When any one is acquitted, on trial under indictment, upon ground of insanity, the verdict should state that fact, and the accused should be sentenced to the insane asylum, and not be discharged except through a pardon.

There is one grave and exceedingly regrettable omission from the penitentiary report. No statement appears from the chaplain, here called moral instructor. Surely some account of his work and its results should form a part of such a document. All that is said on the subject of the religious agencies employed in the prison, is in this short sentence in the warden's report :

Religious service is held regularly in the chapel of the prison, and is invariably well attended.

So important an agent as religion in prison discipline, and in the accomplishment of its great aim and work—the reformation of

imprisoned criminals—should not be slurred over in this manner. Shall it not receive greater elucidation in the next biennial?

4. *Connecticut.*

The information at hand, beyond that relating to labor and finances, is not particularly full, as regards the state prison of Connecticut. The reference to it by Gov. Ingersoll, in his message, is brief, and contains nothing of special interest.

There is one statement in the report of the board of directors pecuniary gratifying. These gentlemen say :

The experiment of administering the discipline of the prison, without resorting to corporal punishment, which was entered upon eighteen months ago and has been continued ever since, has proved to be satisfactory, and we trust has become an established feature in the discipline of the prison.

When the Connecticut state prison was erected, some forty years ago, it was regarded as the model prison of the country. But prison reform has made progress since then, while the structure at Wethersfield, on the banks of the Connecticut, has remained always in *statu quo*, except that it has grown old, and, without being exactly dilapidated, wears the marks of age. Gov. Ingersoll thus speaks of it in this regard :

The buildings are old and generally in poor condition, and they must soon be superseded by others better adapted to the purposes of the modern prison system. It is worthy of your consideration, whether true economy, as well as a regard for the interests of society, so closely involved in its penitentiary arrangements, do not require immediate provision for a new prison.

More wisely, as I conceive, speaks the board of directors in the following paragraphs of their report, submitted to the legislature of 1873 :

It is known to your honorable body that there is a great and growing interest throughout christendom, in the important subject of penitentiary science, and that that interest measurably culminated in the International Prison Congress, which opened its session in the city of London, early in July, A.D. 1872. and in a like most interesting and useful congress, held in the city of Baltimore, in February last.

To some extent it is yet an experimental question, which, and to what extent, either of the four following prevailing systems of prison management, is best applicable to this state : the cellular, or Philadelphia system, which isolates the prisoner completely from the society of his fellows in his cell, where his daily labor is performed : the congregate system, which we hardly need say, prevails generally in this country, of which our own prison furnishes an example, and which consists in isolating the prisoners during the night only, and making him labor in association, but in silence, during the day : the Crofton, or Irish system, which consists in three successive grades, or stages, the first of which is characterized by great rigor, and the two following by

increasing mildness, and greater facilities for, and inducements to, reformation : and the English system, which is one of rigorous penal servitude, and makes very little of the reformation of the prisoner.

We believe that the public interest concentrating upon this important subject, and that the experiments in prison management and construction now in progress, will crystallize, within a few years, in some system, which, in respect to the protection of society and the reformation of the prisoner, will be a great advance upon any present distinctive system.

The directors believe that the truest and safest prison policy for this state, is to make, yearly, such appropriations as are necessary to keep the various prison buildings in a good state of preservation, looking forward to the ultimate object of the construction of a new prison (perhaps on a new site) in the near future ; or, when experiments now in progress in Europe, and in some of our neighboring states, shall have developed the best possible system.

This appears judicious. Better to await a little the progress of events and the development and application of ideas now agitating the public opinion of the world on this subject, than rush into changes which, a few years hence, may become an occasion of regret, by reason of the clearer light which those years may have shed upon the penitentiary question.

Chaplain Wooding's report gives a hopeful view of his work. We extract some sentences as follows :

Our week-day religious services consist in reading the Scriptures daily, and offering prayers with the men in the hall morning and evening ; also prayer at night in the female department.

Our Sabbath services commence with Sunday school at nine o'clock, A. M., in the chapel. In this school there is an average attendance of about thirty, who are divided into four classes, taught by the warden, deputy warden, Mr. E. P. Edwards, and myself. At twenty minutes before ten o'clock our regular chapel services commence, the order of which consists in singing, reading the Scriptures, prayer, singing, preaching, and closing with prayer and the apostolic benediction.

I also hold a Bible class service Sabbath afternoons in the female department. In all these services many of the prisoners engage with serious interest, and to some at least, I have indisputable evidence that the "Gospel of Christ is the power of God unto salvation." Not long since, one who had just been released said, "My imprisonment has been a blessing to me ; before I came here I had not been to meeting for a long time, but here the preaching has done me good ; I have been brought to a halt in my wayward course. My cell has been the place of my triumph ; there I was enabled to conquer unbelief, and through faith in the blood of Jesus, find redemption, even the forgiveness of my sins."

Another says, "Within these walls and prison bars my Saviour meets me, and I am very happy in God."

An unbelieving world may be skeptical in regard to the conversion and reformation of prisoners, but surely no one whose sympathies are with Him who "came not to call the righteous but sinners to repentance," can for a moment doubt that it is possible for these men, when alone in their cells, under the convicting power of the Holy Spirit, to embrace the gracious invitation, "Come unto me all ye that labor and are heavy laden, and I will give you rest."

The most of the Sabbath afternoons, and occasionally evenings of the week, are

spent in talking with the men in their cells, in writing for them, and assisting them in their studies. I have on my list twenty-three who are learning to read, eight of whom are also learning to write, and five studying arithmetic.

Our prison library is in a good condition, four hundred volumes of new books having been added during the year, making in all about twelve hundred volumes, and as we have a prisoner who is an excellent bookbinder, his labor is occasionally turned to good account, in re-binding and repairing such old books, as from constant handling would otherwise be useless. I change the books every week, and take special pains to give each man the book he wants, if it is in the library; every prisoner is supplied with a Bible, almanac, slate and pencil; and to all who appreciate them are furnished such school books as will assist them in their primary studies.

The temperance movement to which I referred in my last report, still interests the most of our prisoners; knowing as they do, by sorrowful experience, the effects of intemperance, most of them have not only signed the pledge, but have expressed an ardent desire and determination to keep it when they are released. In this connection allow me to say, that the promise made to the prisoners at the inauguration of our temperance movement, has been generously fulfilled by Judge Barbour, the worthy president of the society of "Good Samaritans" of Hartford. Several discharged convicts have received his sympathy and counsel, and through his efforts have found places of employment, where they are doing well, and I believe keeping their pledge faithfully.

In the following passage, the physician of the prison, Dr. Warner, aims a well-merited blow at the inexorable exaction, heretofore at least, if not now, made of the convicts in this prison to maintain, throughout the entire working day, one unvarying posture and an ever downcast look, without the slightest turning of the head either to the right or the left. He remarks:

I am glad to report fewer cases of insanity, and these of a milder type, than in any previous year since my connection with the prison. The change that was made last autumn in the occupation of some of the contracts will, I doubt not, contribute materially to the health and comfort of the prisoners. Few men can bear, without injury, a constrained and almost unchanging posture through the working hours of the day, and confinement in a narrow cell during the rest of the time, for months and years. A kind of work which gives a varied and general exercise to the body, and perhaps to the mind, cannot be otherwise than beneficial.

5. *Delaware.*

There is no state prison in this state, and no information has been furnished on penal affairs.

6. *Florida.*

A short but highly interesting report from Colonel Martin, warden, embodies all the information in my possession relating to penitentiary matters in Florida during the year 1873. The following extracts are transcribed, as giving the chief points of interest embraced in the report:

The prison is conducted on the congregate plan, in the full sense, the prisoners not being separated day or night, except when placed [by way of discipline] in solitary confinement. They occupy a common dormitory, eat at one table, and work together. As far as practicable, strict silence is preserved, no prisoner being allowed to speak, unless to ask for information in regard to his work. An act, passed in 1871, provides a system of credits for good conduct, by which a prisoner can earn a commutation of his sentence of eight days in each month. This, as well as the rules of the prison, is fully explained to each prisoner on his reception into the prison. I have found it of the greatest benefit in maintaining good order and attention to duty. It gives the prisoner something to look up to, to hope for, and to deter him from violating the rules of the prison. It is safe to say that ninety per cent. of the prisoners earn all the credits provided for in this section. The certainty (not the severity) of punishment for a violation of the rules, together with the rewards for good conduct, are the great preventives to disobedience.

Owing to the fact that the prisoners have been employed in the field and on the railroad, we have had several escapes. On one occasion, while being marched home from work on the railroad, they overpowered the guard, and five made their escape; two of whom have since been captured. No attempt has ever been made to murder an officer or guard in this prison; and the only case of assault on a guard has been when he was not vigilant, in order to effect an escape. No officer of this prison carries arms as a protection to himself.

The prisoners have been employed on our farm and on the Jacksonville, Pensacola and Mobile railroad. We had not sufficient land cleared, nor sufficient plow team, to profitably employ all the prisoners. The land cultivated yielded good crops; and had it not been for the caterpillar and the storm in September, we should have had as good a crop of cotton as could be produced on the land under cultivation.

We are now employed in clearing more land and will, by the first of March next, have about four hundred acres of land ready for the plow. Estimating thirty-three and one-third acres to the plow, and ten acres to the hand, this will require twelve plows and forty hands. We have now in prison eighty-two prisoners, ten of whom will be discharged within the next four months, leaving seventy-two. Deducting the necessary details for the kitchen, laundry, police duty, teamsters, gardener, sick, etc., we still have sufficient hands to work our farm. Assuming that we get plow teams, and cultivate four hundred acres of land, it is safe to estimate that, unless some unforeseen disaster should occur, we can produce sufficient to pay all expenses, except salaries.

There is no library belonging to this prison. We have a few books adapted to a primary school, and these have been so thumbed over that they are now nearly illegible. As far as the means and opportunity offered them, the prisoners exhibit a very laudable desire to improve their minds. A sufficient number of books for a school that would accommodate all the prisoners should be furnished. The law provides for the employment of a chaplain, at a salary not to exceed twenty-five dollars per month. A sufficient amount should be allowed for this purpose to warrant the employment of a suitable person, who would devote his time to the education of the prisoners in the evenings, as well as to their religious duties on the Sabbath.

Dr. Scull, the physician, thus complains of the want of hospital accommodations:

Under the present system, there is no separate apartment for the sick, a fact to which I have called attention in two former reports, and which renders the successful treatment of the diseased not at all encouraging. This can only be remedied by the erection of a hospital building, which I again urge, prompted not only by the dictates

of humanity, but by a regard to the *honor* and *interest* of the state. I would again call attention to the necessity of providing separate quarters for epidemic diseases that may at any time be admitted to the prison.

7. Georgia.

Two reports on the state prison of Georgia—both, however, in the same document—are lying before me. They are reports of the warden—or, as the head of the prison is there designated, principal keeper—Mr. John T. Brown; and they cover a period of twenty-one months, viz., from the first of April, 1872, to the 31st of December, 1873. They are mainly taken up with an historical sketch of the prison, from the first conception of it, in 1809 or 1810, to the latter of the two dates named in the last sentence. Prior to the adoption of what has received the name of “the penitentiary system”—and this because it is designed and supposed to produce *penitence* and reformation—the practice in Georgia was to punish by hanging, branding with a hot iron, the pillory, public whipping on the bare back, banishment, imprisonment in the county jail, and fines and forfeitures. Mr. Brown introduces his sketch in the following words:

About the years 1809 and 1810, public opinion in Georgia began to condemn these methods of punishment as relics of a barbaric age, and as inconsistent with the civilized and christianized condition of mankind at that time; and in obedience to this prevalent sentiment, and with the further laudable and philanthropic purpose of reforming the criminal by changing his natural disposition by a course of tutelage and by securing to him the beneficent influence of reflection in a condition of isolation from mankind, the penitentiary system was adopted. It was believed that he could be returned to society a good and useful citizen, and that, while passing through this reformatory school, he could be made, by his labor, not only to pay the expenses of his maintenance and reformation, but be a source of income or profit to the state.

He then proceeds to trace the history of the attempt to carry out this idea and to realize the beneficent end in view, through a weary half century of mingled hope and disappointment, till it collapsed in utter failure, and in 1872 was superseded by what is known as the “leasing system.” This is a system of farming out the prison to the highest bidder, whether an individual or a company; that is, of hiring the labor of the whole mass of convicts for a certain number of years, at such a sum or bonus, to be paid to the state, either annually or in the lump, and then the party, so hiring, to feed, clothe, bed, and house the prisoners, at his or their discretion. This is but a revival, though probably Mr. Brown is not aware of the fact, of the system against which John Howard, a hundred years ago, lifted his voice and wielded his pen.

It is often said that despotism, under a perfectly wise and good

ruler, is the best form of government, which may be true; and so, perhaps, the leasing system, in the hands of a person of the same character, may be a good and desirable form of prison discipline. But there are two objections to autocratic government, viz., the extreme difficulty of finding the right sort of man for sovereign, and the extreme liability to abuse, that autocratic power is always subject to. The same objections lie against the prison system, with which Mr. Brown seems so much enamored. Where will you get your man? But supposing him found—and I will not deny that there are men possessing admirable qualities—still he will be human. But to be human is to be imperfect, and imperfection involves the *possibility* of being overcome by temptation. Who can have forgotten the generous but indignant exclamation of Hazael, “Is thy servant a dog, that he should do this thing?” But he did it, nevertheless; and that history is repeated still, every day. Who can fail to remember the warning words of Paul, “Let him that thinketh he standeth, take heed lest he fall?” That exhortation is addressed, and fitly, to every member of the human family—to the strongest as well as to the weakest of men.

But what fearful temptations must surround and assail the lessee of a prison, with all the material and moral interests of its inmates in the hollow of his hand! However philanthropic he may be, his object is not philanthropy, but profit. He wants to make money; he leases the prison and invests his capital with this end in view. I will not say that it is his sole end; but, at least, it is, *quoad hoc*, his supreme aim. Now, there are only two ways in which he can make money out of these men. One is by what they can earn; the other, by what he can save out of their supplies,—both large sources of gain, where the number of convicts is considerable. Consider now how strong the temptation is, on the one hand, to overwork, and on the other, to stint the men; that is, to practise cruelty towards them. And this temptation is all the stronger because he is in possession of uncontrolled power. Now, these are the very evils which, time and time again, have been observed, as a matter of fact, to spring from the system. Personally I bring no charges, for I know no facts; but it would not be strange if there were people in Georgia who do. As regards the two main results expected in Georgia from the penitentiary system, pecuniary profit to the state and moral reformation of the prisoners, Mr. Brown paints its failure in strong colors; but is he quite sure that such failure was a necessary, and not merely an accidental, sequence? that it inhered in the essential nature of the

system, or was but the result of a faulty application of it? That is a question which he, and others, will do well to ponder. The science of prison discipline, and its practice too, have made some progress since 1810.

Near the close of his report for 1873, Mr. Brown says :

The history of all similar institutions throughout the states, when managed by the states, gives the same discouraging results. Indeed, there are no penitentiary or reformatory prisons in the United States or in foreign countries, so far as I can learn, which are self-sustaining, except upon the lease plan ; and I find that this plan is being adopted, in part or in whole, throughout the states.

In both parts of the above statement Mr. Brown is mistaken. As regards the prevalence of the leasing system, what he says is quite wide of the real state of the case. The system does not exist in any one of what were known as the "free states" before the war ; and the only others in which it is known by the undersigned to prevail are : Missouri, Kentucky, Tennessee, Texas and Georgia. Alabama and Mississippi had the system until a recent date ; but, in returning to the undersigned the statistical formularies sent them, the column for "labor system" is filled up with "contract and state," thus showing that the "leasing" plan has been abandoned there ; and both the directors and warden of the Mississippi prison use language strongly condemning it. In Kentucky there is a strong opposition to the system, which found vigorous expression in the last annual message of Gov. Leslie ; and its destruction in that state may be looked upon as only a question of time. In most of our state prisons the contract system of prison labor exists ; but this is essentially different from that known as the leasing plan, and must not, for a moment, be confounded with it.

The broad statement of Mr. Brown that there are no self-supporting prisons in the United States or foreign countries, except those conducted on the leasing system, is still more incorrect. He qualifies his statement by the restrictive clause, "so far as I can learn ;" but his search must have been extremely narrow or extremely unfortunate. What are the facts in this case ? The self-supporting prisons in the United States, which are *not* on the leasing system, are : The state prisons of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Maryland, Ohio, Michigan, Illinois, Indiana (two), the Albany Penitentiary, the Detroit and Boston Houses of Correction, and the Allegheny (Pa.) County Workhouse. There may be (and I think are) some others ; and there is certainly quite a number which closely approximate to the point of self-sustentation.

As regards foreign countries: All the convict prisons of England, except the cellular prisons where the first stage is passed, are self-supporting, as is also the intermediate prison at Lusk, Ireland. Two or three of the great central prisons of France pay all expenses from the labor of the convicts, and others approximate that result. I cannot affirm positively, but I have the strong impression, that several other European continental prisons do the same thing. There are even two juvenile reformatories in Belgium (one male, the other female), which are wholly sustained by the labor of the children. The great prison of Dunedin, New Zealand, is more than self-supporting. So is that at Melbourne, Australia, and, I believe, that at Kingston, in the Dominion of Canada. None of these foreign prisons manage their labor on the leasing plan, but all of them have their industries managed by the prison authorities.

8. *Illinois.*

The system of prison labor has been a prominent question in Illinois. Three principal systems have prevailed in the different states of our Union, and in the same state at different times. The first consists in leasing, for a certain number of years, the prison and its inmates, at a stipulated annual or aggregate bonus, to an individual or a firm; the lessee having, generally at least, entire control both of the discipline and labor of the prisoners; procuring all supplies of food, clothing, medicines, religious and scholastic instruction (if any), etc., etc.; and managing the whole business of the establishment. The second is that of working the convicts on account of the state—the latter supplying the machinery and capital necessary to conduct the industries, and undertaking, through its agents, the manufacture and sale of the articles produced by the labor of the prisoners. The third consists in letting the labor of the prisoners to certain parties called contractors, at so much per day for each man. This is what is commonly known as the contract system of prison labor.

All of these systems have been tried at different times in Illinois. The first prevailed, without interruption, from the original establishment of a penitentiary in that state, to the year 1867—more than a generation—when it was overthrown by the force of public opinion. After so long a trial Gov. Palmer, in his message to the legislature at its regular session in 1871, expressed his own opinion of the system and doubtless that of the people of the state as well, in these decisive words: "It rejects considerations of humanity and all reasonable hope of the reform of the convicts, and overlooks the

fact that experience has shown that lessees will find methods, whatever may be the changes or embarrassments of business, to secure profit to themselves and throw their losses upon the state."

In the same message the governor expresses the opinion that the penitentiary may, under the system of state control, be made self-sustaining, minus the cost of administration; but only on three conditions, viz.: first, a responsible and capable head; secondly, the total separation of prison management from partizan politics; and, thirdly, the payment of such salaries to the warden and other officers as will secure the services of capable men. He adds this sensible remark: "A prison, viewed as a financial, business establishment, can be managed only by a business man of the largest capacity and experience, who is responsible, ultimately, to an officer who will accept nothing short of success."

State management of the industries of the prison had been inaugurated in 1867 on the abolishment of the leasing system. It had not, however, during the four years of its existence, proved a success, owing either to the want of sufficient time to insure such a result, or to the incapacity of the administrators, or, as is more probable, to the frequent changes of administration, there having been no less than three such changes within the short space of four years. Any one of these causes would account for the failure of the experiment; either of the two latter especially, and more particularly the last.

In his next message, addressed to the legislature at a special session called the same year, Gov. Palmer recommended the adoption of the contract system, or, as he expresses it, the system "which combines the retention of complete control of the discipline and government of the convicts with the lease of their *labor* to persons engaged in special pursuits." This he did on two grounds—first, that the leasing system, theretofore employed, was no longer applicable to the penitentiary because of its size, the number of convicts being over 1,300; and, second, that the sole condition on which state control could be made a success—a permanent administration free from the control of politics—had not been, and was not likely to be, adopted. He was, however, careful to insist that he had, in no respect, changed his opinion as expressed in his previous message, that state management of the industries of a prison might be made a success, *provided* the conditions precedent were observed.

In accordance with this recommendation, an act was passed in 1871, establishing the contract system as the plan of prison labor at Joliet. Thus has Illinois completed the circle of prison labor systems, as

known and practised in the United States. The first—the leasing plan—had the fairest possible trial, having been continued under able men for a generation or more ; and, on such trial it has been, in Illinois, condemned finally and forever—condemned with an intensity and unanimity of public opinion, which have placed it equally beyond the hope of its friends and the fear of its enemies. The second system—that of working the convicts by the state—was tried, in the first place, for a period too short to fairly test its merits, and, in the second place, under conditions most inauspicious ; as a matter of course, the result was failure. But what as to the third or contract system ? The last biennial report* of the commissioners, that is, directors, of the penitentiary, under date of December 1, 1873, gives full information on that point. According to the showing thus made, the experiment has been, so far, financially, a success. The balance sheet for the year 1872 shows a net profit from the labor of the convicts, over and above all current expenses, of \$36,218.71. The commissioners, therefore, give, in their report, a pronounced opinion in favor of the contract system as being, for Illinois, “the only method to make the labor of the convict profitable to the state.” Suppose this to be granted. Does it necessarily follow that its adoption is an absolute necessity ? Is “profit to the state”—that is, *pecuniary profit*, for that alone was in the thought of the commissioners—the only consideration to be taken into the account in prison management ? Are moral results to count for nothing ? Are the reformation of the prisoner and his re-absorption into society, as an industrious and productive factor, to be ignored or thrust aside as of no moment ? If not, then there is a preliminary question to be settled—a question of the gravest import—a question that will not down at our bidding, any more than would Banquo’s ghost at the word of Macbeth—a question that cannot be brushed aside by a mere dash of the pen. It is the question how the contract system of labor stands related to the reformation of the prisoners ? whether it is an aid or a hindrance, or has no influence one way or the other ? But the concession granted a moment ago, for argument’s sake, is not granted in

* A word or two on this subject of biennial statements. Illinois and other states publish reports on their state prisons only once in two years. The rest of the states issue annual reports of their penal institutions. These annual publications are much the most satisfactory. In the present report, for example, I am giving the state and progress of prison discipline in the United States for 1873. But this is impossible so far as Illinois is concerned. The condition of things in that state for 1872 is the latest that can be shown ; whereas, it is quite possible that, for the subsequent year, the case might be more favorable. Thus Illinois has not, or at least may not, have a fair showing as compared with her sister states. Will not her legislature take this matter into consideration, and, if there are no serious objections, change the rule, so as to make the prison reports annual instead of biennial ?

fact. It is not granted by Gov. Palmer since, in the same breath in which he recommends the adoption of the contract system under the circumstances then existing, he re-affirms, emphatically, his conviction that prison labor can be successfully managed by the state, under the three conditions already mentioned, viz., a responsible head, freedom from the instability resulting from political control, and the ability that may be secured by adequate salaries. Numbers of the ablest penologists in the country hold the same view ; and they hold, in addition, that the letting of the labor of convicts to contractors is a serious impediment to their reform.

It is proposed to offer, in this connection, a brief confirmation of this statement.

In the year 1866, the Prison Association of New York, under instructions from the legislature of that state, examined, under oath, twenty-five of the leading officers and ex-officers of prisons in New York, together with F. B. Sanborn and Gideon Haynes of Massachusetts, on matters both of fact and opinion touching the management of prisons and the general subject of prison discipline and government. Among those examined, who favored the management of the industries by the state and believed the contract system an obstruction to the highest end of prison discipline—the reformation of the prisoner—were F. B. Sanborn, G. B. Hubbell, David L. Seymour, Morgan Augsbury, Levi S. Fulton, Rev. J. A. Canfield, Rev. John Luckey, Wm. Wade, Edward Nixon, and Dr. J. D. Button. With the exception of Mr. Sanborn, these were all prison officers, and several of them prison wardens, of sound judgment and large experience ; and of Mr. Sanborn it may be said that no man is more competent to form a just judgment on this and other questions connected with prison management, from his wide observation and study of prisons as secretary of the Massachusetts Board of State Charities. Even General Pilsbury, who was successively at the head of the Connecticut state prison and the Albany penitentiary for a period of nearly fifty years, and who was a friend of the contract system in some of its aspects, said in answer to a question : “ Unless the most strict and absolute control is maintained over the system, I believe that its influence must be detrimental to the discipline and best interest of any penal institution ; and this must be particularly the case where it obtains such influence as to possess, in effect, the controlling power in its management.” Most of the other persons examined, of whom the whole number was twenty-five, gave opinions in the same direction, but much more positively

and strongly. Mr. Sanborn thus expressed himself on this point: "In the organization of labor, the contract system should be given up as far as possible. * * * It can hardly fail to injure the discipline. The reformation of prisoners, employed by contractors, is generally a matter of chance, with the chance strongly against the prisoner. The first condition of the reformation of prisoners is the establishment of a steady and wholesome discipline. * * * Under the contract system, such a discipline is almost impossible, being constantly interfered with by the contractor or his agents"—with much more to the same effect. To a large number of the witnesses the question was put, whether, in their view, the contract system is consistent with, or antagonistic to, the interests of the prison as a penal and reformatory institution. The answer, in nearly every instance, was that it is not consistent with the true and best interests of the prison. The witnesses agreed that it is antagonistic, every way; that it is contrary to good discipline; that it is opposed to the best pecuniary results; and that it is hostile to the education of the illiterate among the convicts, as well as to their moral regeneration. The strong impression made by it on the minds of convicts is, that the whole design of the administration is to make money out of them; and that impression appears to many who are not convicts to be a just one. The prevailing idea, given by the actual operation of the system, is well expressed by chaplain Canfield of Clinton prison, N. Y., who, when asked whether he thought that reformation was made a primary object in that prison, replied: "I think that reformation is not made a primary object, for, in that case, men would be the product; whereas, the main object here has seemed to me to be to make *nails*, and not *men*."

Now, if experience shows that reformatory influences would have freer play, where the labor is managed by the state, than under the contract system, that conclusion, once established, should end the argument; for, clearly, the reformatory idea ought to be paramount.

I have already cited the opinion of the commissioners that, in Illinois, the contract system is "the only method to make the labor of the convict profitable to the state." It has been shown that this opinion was based upon the results of an experiment which was too short to afford ground for a final judgment, and that it was conducted under circumstances that made failure a foregone conclusion. It is contradicted by the opinion of nearly all the witnesses examined by the New York Prison Association in the investigation referred to

above. The name of General Pilsbury has become famous throughout the civilized world as that of the prison governor who has been, financially, the most successful in penitentiary management. A part of the time he managed the industries of the prison himself, and another part through contractors. He was asked which system he found financially most successful. His answer was: "In a financial point of view, the management of the labor by myself was most successful." There are other facts of experience which attest a similar result. Mr. W. W. Rice has been for ten years warden of the state prison of Maine; throughout the whole of which term of service he has directed the labor as well as the discipline of the establishment. Prior to his incumbency the contract system prevailed, and the finances ran behind, year by year, many thousands of dollars. Under Mr. Rice's management, with an average of less than 200 convicts, every year has shown a handsome cash surplus over all expenses; and last year, with an average number below 150, the clear profits amounted to \$6,544.98. Mr. Z. R. Brockway organized the Detroit House of Correction, and for ten years conducted its industries and its discipline. With an average prison population of (say) 400, and an average term of imprisonment not exceeding 100 days, the annual cash profits, beyond the entire cost, did not fall below, and probably exceeded, \$10,000; aggregating, for ten years, at least \$200,000. Mr. Henry Cordier started, and for three years has conducted, the Allegheny (Penn.) County Workhouse, directing both labor and discipline. The labor was not fully organized till last year when, with an average of 350 prisoners and an average confinement of only sixty-eight days, the surplus of earnings over expenditures was within a fraction of \$15,000. In all these cases the cost of the administration, as well as that of the keep of the prisoners, was included in the expenses defrayed by the labor.

The results set forth in the preceding paragraph show what has been, and therefore what may be, accomplished by the head of a prison, in its business management, when he possesses the requisite ability, experience, and integrity. Under a management equally capable and upright, the industries of any and all prisons may be made equally successful and prosperous in the hands of the authorities. If it be contended—and the plea be admitted as valid—that any given prison is too large, has too many inmates, for the successful application of the principle of institutional management of its industries, that is not an argument for the adoption of a labor

system obstructive to its moral life and reformatory power; it is simply and solely an argument for breaking up the establishment into two or even three of lesser size; a process by which its moral forces will gain in a ratio quite equal to its financial. What if such a change cost money? The state, even as a pecuniary investment can better afford to spend its thousands and restore its criminal members to freedom as honest and industrious citizens, than it can to spend its hundreds to send them forth from prison precincts to renew their careers of spoliation and crime.

In connection with the foregoing remarks, the following statement, taken from the biennial report of the commissioners, will be read with interest and satisfaction:

In regard to our present contractors, we have to say that the state has been fortunate in getting such an excellent class of men. All of them pay promptly, make no complaints, and are satisfied with the present order of things. They take a lively interest in the welfare and reformation of the convicts, liberally subscribing for papers and other reading matter for them. While the prison authorities keep the reins of discipline well in hand, and do not allow the slightest interference on the part of the contractors or any of their subordinates, every civility is shown them, and every accommodation or favor granted, which is not inconsistent with the strict rules of the prison. In no case have the contractors or their subordinates ever tried to interfere with the discipline of the prison; they know very well how deep an interest they have in the maintenance of the discipline as it now exists, and which they have a right to expect, according to the terms of their contracts.

Apropos of a certain criticism on the report of the Alabama penitentiary, which the reader will recall, we cite the following paragraph from the commissioners' report on the Illinois penitentiary:

In further referring to the report of the warden, we would call your attention to the several tables of statistics accompanying it. Instead of the long list of the names of the prisoners, their age, nativity, former occupation, description of their persons, etc., thus heralding the shame of the convict to the world, and degrading his relatives and posterity, which incumbered the former reports, will be found tables of the crimes committed and the percentage to each county, with other valuable information.

The commissioners report as follows touching the present state of discipline in the prison:

We think that the present state of discipline is all that can be desired, avoiding any extreme, either in the way of too much leniency or too much rigor. We state with pleasure that our books show a constant decrease of punishment during the two years past, and we are in hopes that this decrease will steadily continue. We have already abolished the dark cells, except one, to meet extreme cases. The so-called "second division," the place for refractory convicts, in no wise different, however, either in food or cell room, from the other wings, although no visitors are admitted and the men do not mingle with the other convicts, has already run down

from over one hundred to about sixty in number. The law, under which we act, happily has abolished the whipping post, but among such a large number of criminals, and some of them of the worst kind, some resort to punishment must be had. The purpose of our penitentiary is two-fold: First, the safety of society; and secondly, the reformation of the criminal. Neither can be properly neglected or lost sight of.

The primary aim of society in public punishment is, no doubt, its own protection. Society has no right to punish for mere purposes of vengeance; "for it is written, vengeance is mine; I will repay, saith the Lord." It is customary to say, as the commissioners have put it in the above extract, that the object of punishment is the safety of society *and* the reformation of the criminal. But there is, perhaps, a little confusion here; at least a distinction without much difference. These two—protection of society and reformation of the culprit—come to the same thing; for society never so well protects itself from criminal spoliation and violence, as when, through the very process of punishing, it reforms its criminal members.

The commissioners go on to speak of their newly formed, or at least recently renovated, library as a great success. It is used, they say, to an extent beyond all that had been expected or hoped; and its effect on the behavior of the prisoners is spoken of as something remarkable.

A prison school has been established, and a teacher employed under the direction of chaplain Briscoe, who reports that in the five months during which the school has been in operation, at the date of the report, 290 convicts had received instruction in it, whose interest in study had been conspicuous, and whose progress had been fully equal to that of pupils in the public schools.

The chaplain calls attention to the urgent necessity and duty of looking after discharged convicts—especially such as have no homes, friends, or means. "One thing," he says, "is certain—society must take back the released prisoner, or the penitentiary must." The commissioners second this motion, and recommend the formation of a prisoners' aid association, adding this pregnant suggestion: "If the legislature should think proper, some of the surplus earnings of the penitentiary might be appropriated for the use of such a society." Gov. Palmer also joins in this recommendation, saying most nobly and forcibly:

I recommend that authority be given to the commissioners to appropriate whatever may remain of the earnings of the penitentiary, after the payment of all its expenses, to the improvement of the condition of the convicts, to making temporary provision for the support of the more helpless and destitute, after their discharge, until they can find employment, or to aid them in doing so. It is impossible for persons unfamiliar

with the actual state of the case, to imagine the utter helplessness of many convicts when discharged from the penitentiary. Committed to the institution when comparatively young, and while there cut off from all intercourse with their fellow men, they come forth ignorant of all the methods of obtaining honest support; they are outcasts, who feel that they would not be benefited by making their actual situation known even to the benevolent, and they are therefore almost inevitably driven to seek the society and the aid of those whose character and habits of life are such as will afford no support to any intention the convict may have formed to pursue a better course. No reformatory system can be considered complete without some provision for the temporary shelter and support of persons of this class, nor without affording them aid in finding employment.

Chaplain Briscoe seems to be thoroughly devoted to his work, of which he gives an interesting and inspiring account. He appears to have organized a sort of prison church, concerning which he makes the following statement:

The religious society, which meets alternate Sabbaths, never was more prosperous than throughout the past two years. There are 188 members. Some of the members of this society have belonged to it upwards of four years; the most of these have given undoubted evidence of positive reformation. Here many have learned to love the Saviour of sinners. I have known, and do know, marked and remarkable changes in many of these society members.

A permanent hospital and dispensary have been recently constructed, and are spoken of by the physician, Dr. C. H. Bacon, as adding greatly to the facilities for taking care of the sick. He says: "The general health of the convicts and the hygienic and dietary arrangements are in good condition."

A curious question is thus stated by the commissioners:

Our statute law has never decided whether a prisoner, who once escaped and was recaptured, has to serve the time he was away, or whether this time shall be counted for him as if he had never run off. A prisoner, who twice escaped and was twice recaptured, Thomas Riley, now claims that he is entitled to his discharge, because the time he was away would complete the time he was sentenced for. We cannot see the matter in this light; and, by the advice of the attorney-general, we have left it to him to seek his remedy by *habeas corpus*, in order to bring the matter before the courts and have a decision on it.

9. Indiana.

There are three state prisons in this state, viz., two for men, at Jeffersonville and Michigan City; and one for women, at Indianapolis.

Prison reform has, within the past few years, made a marked advance in Indiana; a result due to the enlightened, earnest and persistent efforts of Governor Baker, Charles F. Coffin, and others who have wrought with them in this cause.

a. STATE PRISON (SOUTH), JEFFERSONVILLE.

Colonel L. S. Shuler completed his fifth year of service as warden of the Jeffersonville penitentiary, and issued his fifth annual report in December last. By his ability, humanity and devotion he has accomplished a good work there. The undersigned visited this establishment under the administration of Colonel Shuler's predecessor and his own. The contrast between the discipline and tone of the prison at the first and second of these visits was most conspicuous. It was, however, but the natural difference between the results obtained by coercion and reason ; by physical force on the one hand, and moral forces on the other. Colonel Shuler has a true conception of the nature and aims of prison discipline ; but the organization and machinery for an effective application of that conception, in its full length and breadth, is wanting ; and for this the state, not himself, is responsible.

The prison buildings at Jeffersonville are old and, as appears, had fallen into a state of decay. During the past season repairs have been made upon them to the extent of nearly \$20,000 ; so that they are now in better condition than at any time within the last ten years ; and it will be long (so the report states) before any considerable expenditures of the same kind will be likely to become necessary.

The only productive industry at present carried on in the prison is that of the manufacture of cars for the South Western Car Company. On this subject Colonel Shuler says :

After a lapse of two years since the labor of the prison has been employed in the manufacture of cars, I am fully satisfied that there is no branch of manufacturing now carried on in prisons, that is more suitable or better adapted to convict labor than car manufacturing. In the various departments where mechanical labor is required in wood and iron work, the men skilled in these branches can be employed, and those who are not mechanics and whose terms of sentence are too short to instruct them in such mechanical work can be employed in the various departments to good advantage where ordinary laboring work is required.

The colonel claims that the discipline is in a satisfactory condition—a fact which I can personally attest from what I saw on a recent visit to the establishment. The convicts work with alacrity and energy, and wear a satisfied, cheerful look. The warden adds : "The use of the 'cat' has been almost entirely abolished—it is used only in extreme cases." It is to be hoped that the report next year will be : "The cat has been abolished ; it is no longer used in this prison."

This prison has a model chaplain, but it can hardly be said that he has this year given us a model report. The following extracts contain the sum of it :

There is an unusual amount of religious interest in the prison at the present time, and our prayer meetings are well attended. Great respect is paid to all services of the chapel, while to many the gospel has not come in word only, but in demonstration of the spirit and of power, who now rejoice in the assurance of the forgiveness of sins.

Our sabbath school is growing in interest of late. We are favored with the assistance of several gentlemen from outside who have kindly offered their services as teachers, and the result has been a large attendance on the part of prisoners, which promises great good.

There is a good moral influence prevailing to some extent the entire prison, while more or less success has attended the efforts made and instrumentalities employed to lead the unfortunate victims of temptation and crime into the paths of virtue and religion.

Quite a number of those who have left the prison this year have gone out redeemed and saved, who, as we learn, still maintain their integrity, while many who still remain are preparing to follow in their footsteps.

Words, except as the vehicle of thought or information, are no doubt idle things ; but a few more of them for the purposes named would have been acceptable. Greater detail on the points treated would have been desirable ; and so would additional points, which are not so much as mentioned—for example, education. What is done by way of cultivating and storing the minds of the illiterate and others among the prisoners ? The bare fact is stated that there is a library ; but nothing is said either of its use or its utility. Is there a prison school ? Are there courses of lectures ? Are the prisoners guided in their choice of books ? Are any means taken to ascertain how far they profit by their reading ? This matter of schools and educational appliances in prisons is one of vital importance in the question of penitentiary reform. To a prisoner who was once heard to use profane and vulgar language, the listener said : " Friend, you ought to have better thoughts." " Better thoughts !" replied the convict, " where shall I get them ?" That was both an apt and a pregnant inquiry ; and it is the business of prison discipline, in our day, to give to this question a satisfactory answer. Hence the supreme importance of this whole question of schools and education in prisons.

I notice with regret a complete list of the names of all convicts confined in the prison during the past year. The authorities are respectfully referred, for some thoughts on that question, to what was said upon it in my report on the penitentiary of Alabama. The

hope is earnestly entertained that such a publication will never again appear in the reports of this institution.

b. STATE PRISON (NORTH) MICHIGAN CITY.

The last point, as will have been seen, in my notice of the Indiana state prison (south), is a reference to the publication of the names of convicts in the report of that institution. Singularly enough, almost the first thing that fell under my eye in the report of the northern prison (which I had not previously read), was the following paragraph in the statement of the directors :

In making his report, the warden has considered it better to omit the names of the convicts, for various reasons, which we indorse, one of the strongest, perhaps, being the fact that it answers no profitable purpose (the same facts and statistics being found in the tabular exhibits), and serves as an advertisement to the public that those whose names appear, have served in the penitentiary ; thereby weakening the incentives to honest industry, which we believe many carry with them when discharged. From our limited intercourse with the men confined in this prison, we do not believe that its discipline and teachings, as some assert, are calculated to deepen their moral degradation. There are those whose characters will not be reformed by any term of service here. There are yet others, whose crimes have been more their misfortune than a willingness voluntarily to violate the laws. To such, the publication of their names in a prison report will doubtless prove an injury, which policy as well as humanity dictates we should avoid.

These are the words of the warden, referred to in the above citation :

The long list of the names and descriptions of the prisoners has been omitted, for the reason that I do not think it right to publish such a statement. It is an injustice to the prisoners to publish to the world their shame, thus degrading their relatives and descendants, as well as themselves.

The report for 1873 of the directors, warden, chaplain and physician of this prison is a document which must make, on all who read it, a favorable impression as regards the ability, fidelity, and integrity of the administration to whose hands it is at present confided. In brief, this is the sum of the report :

1. That the prison has paid its way, and earned a surplus of nearly \$8,000, which result has not been attained by a parsimonious policy, but by a judicious and economical expenditure of money, the prisoners having been comfortably clothed, well fed, and, as a general thing, contented and cheerful :

2. That the sanitary condition of the prison is admirable, only one death from natural causes having occurred in an average popu-

lation of 354 convicts ; the ventilation good ; the sewerage excellent ; the cleanliness scrupulous ; and the prisoners have been better fed during the past year than at any time previous.*

3. That the discipline is mild and humane but firm and vigorous, the conduct of the prisoners having been with few exceptions good, and the rules of the prison carefully observed :

4. That the under officers are, for the most part, men in whom their superiors may and do repose full confidence ; they are of good moral standing, and of gentlemanly demeanor, though firm in their dealings with the convicts ; a point, as the directors truly say, of gravest importance, since they are in continual contact with the prisoners :

5. That the moral state of the prison was never better or more hopeful :

6. That a number of prisoners professed conversion during the year, and their subsequent conduct has evinced the sincerity of the profession and the genuineness of the change wrought upon them : and

7. That the prison library has been replenished by a purchase of books to the amount of more than \$400.

This picture may be drawn a little *couleur de rose* by the partial hands which produced it ; but after all abatements to be made on that score, there can be no doubt that good work is done at the penitentiary of Michigan City. It only remains to "go on unto perfection ;" but this would require action by the state, as well as by the prison authorities. It is much to be hoped that the state will not be derelict to its duty.

No more attention appears to be given here than at Jeffersonville to the mental development and culture of the prisoners.

C. INDIANA REFORMATORY INSTITUTION FOR WOMEN AND GIRLS.

This is at once a prison for women and a reformatory for girls. It may with truth be pronounced to be a model institution under a model head. Mrs. Sarah J. Smith, an English Friend thoroughly imbued with the spirit of the Master, is the superintendent, and she is aided in her work by a staff of helpers likeminded with herself. As already stated, it is a kind of dual establishment—including an

* Dr. Hamrick, however, does not hesitate to criticise, on occasion, as the following passage from his report shows :

I earnestly hope your honorable board will not delay longer in providing some better means for heating our hospital. I would also recommend that some arrangement be effected, whereby the men can have better facilities for bathing. I have before recommended that they be given more time for that purpose.

adult penitentiary and a juvenile reformatory, in one. As, however, the two are blended in the report, it will be better in this review to treat of the whole establishment together than to undertake to separate them and consider each in the place that would be given to it by a logical division.

Besides the staff of officers, the institution is under a board of managers, who are aided by a board of official visitors. The report of the managers is a business document — clear, sensible, and important—but of little general interest. In the superintendent's report, she makes this interesting statement :

On receiving the appointment, tenth of seventh month (July), I visited the penitentiary at Detroit, the better to understand the workings of a model prison. Many similar institutions had been visited in England ; yet the American character, life and habits differ so widely, I thought best to have a precedent near our field of operation. On the eighteenth, we occupied the unfinished building, the better to superintend some necessary changes and prepare for the inmates.

The twelfth of ninth month (September), the reformatory department was open to take two girls out of jail, as they could be more profitably employed clearing the rubbish from the new building. The prison department opened on the eighth of tenth month (October), with seventeen prisoners received from Jeffersonville penitentiary, accompanied by the warden, chaplain and matron, all of whom feared we should have trouble, as the moral character of some was below hope, and two were dangerous. Our first great trial was the suppressing of tobacco. When told they could not use it in any form, gloom and sadness settled like a pall upon them which taxed all our ingenuity to dispel. Our superior accommodations sank in utter insignificance, and, with few exceptions, they wished themselves back to " old Jeff!" We soon got to work, having reserved washing, sewing and house-cleaning for them, and though our rules seemed hard, they have complied more willingly and cheerfully than we anticipated. There have been four added to the number, and I am glad to state that after the completion of the laundry, we were able to procure washing to keep those able employed. Sewing and knitting have been furnished others.

There are twenty-one girls in the reformatory, taught half the day in a well organized school, the other half devoted to cane-seating chairs and household duties in rotation. Some of the girls are committed for larceny or incorrigible conduct, and the change in some of the worst is striking, convincing us that many of these little waifs go to ruin from surrounding circumstances. We regret to find that the age—fifteen—is preventing a large number from entering the reformatory, having received letters from several counties making the inquiry what steps to take to commit girls over fifteen, and stating that they must go to ruin if not admitted. The only answer that can be given is : " The law forbids," and the girl on the brink of ruin is robbed of the care, restraint, education and proper training which the state has so wisely provided for her rescue ; and our expenses are necessarily much larger in proportion. to care for a small family.'

Our daily religious exercises have been greatly blessed ; Sabbath school enjoyed ; and regular services on the Sabbath conducted by the Young Men's Christian Association, who express themselves highly gratified at the apparent change from week to week in the family ; and we feel that it is a problem no longer unsolved, " that the power of kindness," with the religion of Jesus, is sufficient to subdue the most hardened. A library is much needed.

I can thankfully record that in both departments I am assisted by earnest Christian workers, who labor faithfully for the temporal and spiritual improvement of those under their charge.

The whole of the report of the board of visitors, which is signed by ex-Governor Baker as chairman, is most interesting and instructive. Room, however, can be made only for the following extracts :

It was very gratifying to those members of the board of visitors who had seen some of these same women in the prison at Jeffersonville, to observe how greatly their condition and surroundings have been improved by the transfer. In the short time of less than three months they seem, judging from their appearance and deportment, to have made considerable progress towards the regaining of their own self-respect, which is the first step in the reformation of their lives and characters.

The unwomanly vice of tobacco-smoking, to which they were all addicted to excess, was at once prohibited on their admission to the reformatory ; and although much murmuring was for a time the result, the prisoners now seem to be reconciled to this measure of compulsory reform, and we believe it will be the forerunner of other voluntary reforms that will, in not a few instances, lead to a restoration of an effaced or lost womanhood. The cells and work-rooms of the prisoners are comfortable and well-ventilated, and the women themselves are constantly under the influence of pure womanly examples and the best moral and religious training and influence.

There is every reason to hope and believe that not a few of the prisoners will, with such surroundings and under such influences as are now afforded them, be thoroughly reformed and fitted for usefulness in the world, when they shall have regained their liberty.

It is already demonstrated that woman is competent to govern the depraved and desperate of her own sex by womanly measures and appliances, without a resort to the rigorous means which are generally supposed to be necessary in prisons governed by men, and intended wholly or chiefly for male convicts.

There are, in the reformatory department, twenty-one girls whose ages range from ten to fourteen years. It is believed that at least four-fifths of these can be completely reformed and become worthy members of society when they are discharged. A part of the time of each girl is employed in the school-room of the institution, and a part devoted to industrial pursuits ; the object being to impart the rudiments of a good elementary education, as well as industrious habits, to every inmate.

The institution has been too recently opened to say much about practical results ; but thus far we have discovered nothing in its management to provoke or justify censure.

In the judgment of the board of visitors, the law should be so amended as to allow the committal of girls up to the age of eighteen years, and so as to justify their detention until twenty-one years of age, if not sooner reformed. In this regard a reformatory for girls is very different from a reformatory for boys. At the age of eighteen many boys cannot be governed in a reform school without converting it into a prison, and thereby destroying its reformatory character ; but with girls the case is far different.

On the 16th of January of this year, I had the pleasure, in company with Governor Baker and the Reverend Mr. Birch, of Indianapolis, of spending a half day in this establishment. On recurring to my journal of that date, I find this record : " In the after-

noon, I visited and thoroughly inspected the Indiana Reformatory Institution for Women and Girls in this city. Mrs. Sarah J. Smith, an English lady of the denomination of Friends, is the superintendent; and a most admirable person she is. The institution, in both departments, was in the best condition, and the moral atmosphere delightful. O for such prison officers in all our penal establishments! What excellent reformatory results would soon be seen in them!"

I was so impressed by Mrs. Smith's conversation and manner and by what I saw of her management, that I subsequently addressed her a note, asking for a statement of her principles and methods, together with the results accomplished by them. Her reply was in these words:

INDIANAPOLIS, *March, 1874.*

DR. E. C. WINES: The statement which you ask concerning the "principles, methods and results" of this institution will have to be in condensed form. My health is not sufficient for a long communication.

1. *Principles*.—My first principle is love; making a prisoner feel that Christ died for *her*, just as much as for *me*. The second is, not to give to "the self-sustaining question" such prominence as to ignore the moral elevation of the prisoner; but to make her reformation the great object, so that, on returning to society, she may have strength to resist temptation, and be better prepared to care for herself.

2. *Methods*.—Constant personal oversight by officers who have large faith in the success of their labors; special care in sickness; little acts of kindness, evincing sympathy for them; commendation and encouragement for the faithful discharge of duty; firmness and steadiness in the administration of discipline; prompt punishment for disobedience by confinement in cell, with privation of social privileges, and a diet of bread and water, till subdued; regular religious exercises morning and evening; prayer-meetings amongst the women themselves; scriptural instruction, secular schools, etc.; and (last but not least) the heart-preaching of a full and free salvation, by ministers who feel that Christ has forgiven *them*, and who know how to feel for the *fallen and unfortunate*.

3. *Results*.—A well regulated family; good religious influence; rules willingly obeyed; duties cheerfully performed; little punishment necessary; the use of tobacco dispensed with, and the cup of tea with sugar and milk accepted in its place; and the statement in my report confirmed, that "it is a problem no longer unsolved, that the power of kindness, with the religion of Jesus, will subdue the most hardened."

The question may arise, "Are you not making prison life too comfortable? No! no indulgence can compensate for the loss of liberty. A palace is a prison to the man deprived of freedom. Our institution is yet in its infancy, but the results, thus far, exceed our most sanguine expectation.

The power of the religious sentiment is remarkable, so that as girls come in, we can rely upon the inmates already here to exert a good influence over them. The prayers of some of the little outcasts would warm the hearts of all friends of reform. One girl of twelve thanked her heavenly father for such a "good home," and a "nice bed and blanket all to myself," showing that a comfortable bed was to her a great luxury. Another, of ten years, who, on her arrival, seemed to be possessed with the very spirit of evil, was soon brought under conviction. On being brought for punishment one day, and asked why she had been so naughty, she promptly replied, "I forgot to pray."

She then and there instantly fell on her knees, and in the most touching tones, pleaded with her Heavenly Father to forgive her sin in grieving poor Auntie, who did not like to punish her, but she knows, that if she don't, Thou wilt punish her as Thou did Eli." "Heavenly Father," she continued, "I do want to be good, but Satan makes me forget so soon. He puts bad thoughts in my heart. Do let them out, and forgive my mother for teaching me such bad things. Dear Heavenly Father, what should I do, if I had not Thee to go to? I should have gone to destruction long, long ago. Do hear my prayer for Jesus' sake. Amen."

10. *Iowa.*

The biennial report of Major Craig, warden of the state prison at Fort Madison, is an admirable document, evincing the possession of rare qualities for the difficult work which he has in hand. He is still young in the business of prison-keeping; but one feels that no risk is incurred in predicting that if, as is to be hoped, the profession is fortunate enough to retain him, not many years will pass before he will occupy a position among his colleagues at once conspicuous and enviable.

The points deemed worthy of special notice will be taken in the order in which they occur in the warden's report. The first point is a statement relating to the condition of criminality in the state, which is both interesting and encouraging. He tells us that the present number of convicts in the prison, sent there by the state courts, is 213, whereas two years ago the number was 273; and this notwithstanding there has been, within that period, a rapid and large increase in the population of the state.

The financial exhibit shows that, exclusive of the administration, the labor of the convicts, though let to contractors at forty cents a day, has met all expenses and left a handsome surplus, thus leading to the conclusion that whenever fair rates shall be obtained for the prison labor, the cost of the administration as well as the keep of the prisoners will, in like manner, be more than met by its earnings.

The exemplary economy with which appropriations by the legislature are expended is well illustrated by the following statement. An appropriation of \$6,600 had been made for the purpose of adding a second story and a new roof to the blacksmith's shop, and the same to the foundry. With this moderate appropriation, not only were these improvements accomplished, but an entirely new shop, of considerable dimensions and two stories in height, was constructed from the foundation. The following is the account given of this work by the warden:

Between the foundry and blacksmith shop there was an unoccupied space of twenty feet. In addition to the construction of second stories on these two shops, for which this appropriation was made, I also constructed shop-room from the ground up, two stories high, joining them together, and forming a continuous line of shops at the north-east angle of the yard. By dint of much exertion and care, I succeeded in procuring the erection of the second story on both of these shops and the twenty feet of additional shops by forty in width, not provided for in this appropriation, at a cost within the appropriation. The material used was brick and stone for the walls, with slate roof, all substantially built, and it is among the best of the many shops in the prison yard.

Another proof of the rigid economy practised here is the fact that the whole cost of repairs for two years amounted to no more than \$1,760.73.

The principles, objects, methods, and results of the discipline are thus set forth in the report :

The imprisonment of public offenders is necessary for the security of society. Its aim is both to punish and reform the wrong-doer. The quality, measure and method of its infliction have been gravely and variously discussed by very many of the ablest minds of the enlightened world for some scores of years.

It has been the aim of the present warden to secure good order, industry, and willing acquiescence in the necessary rules of the prison, and to inspire all with the hope of social respectability and business success after their terms expire, by first winning their implicit confidence. They are shown that the relation of the warden to them is not one of choice but of duty to society, to the state, and to themselves ; that whatever of exactions are required of them or discipline enforced upon them, is not a mere exhibition of his power or their weakness. They are taught that they are men—wayward offenders it may be—yet they are men, and entitled to just such treatment as their conduct shall logically challenge. Authority is never exercised for the purpose of showing its rightful existence and possession, but for purposes of reformation and discipline only. Judicious firmness, intelligent patience, and inflexible impartiality are the qualities wherewith I seek to execute my important trust. As a consequence the convicts become almost invariably trustful, dutiful, and obedient. Refractory and contumacious inmates of this prison are now very rare, and the exercise of any sort of punishment equally so. The cat-o'-ninetails, that barbarous relic of times now happily past, and other kindred forms of cruel punishment, have been barred both by legislative statutes and the higher law of humanity.

For the exceptional cases where punishment of any kind is rendered necessary, the mildest forms known to prison discipline are found, in ninety-nine cases in the hundred, to be efficacious. A few hours in the dark cell, carrying the ball and chain for an hour or so, or a withdrawal of the convict's privilege to attend the Sabbath-school are now among the severest punitive inflictions administered ; and of these the latter is the most effectual, surprising as it will doubtless seem to very many. All conversation between the prisoners is strictly prohibited, and unbroken silence is the law. The deprivation of this natural social intercourse finds some small compensation—the best which the peculiar circumstances will permit—in mere silent association, where each may look upon the others and interchange greetings by the eye alone. Involuntary and absolute separation from his fellow-men seems to be one of the most unendurable forms of punishment.

But better than any known form of punishment are the exercise of kindness and appeals addressed to the rational faculties, by which the most contumacious are gen-

erally overcome and reduced to willing obedience. The law of kindness is the rule ; all other methods the rare exception. I attribute the unusual good conduct of the men in this prison to the system of humane control, and in this particular of voluntary obedience I feel warranted in placing the Iowa penitentiary in comparison with any other in the land.

Among the most benign and regenerative of the influences brought to bear upon the convicts, Major Craig unhesitatingly places those exerted by the Sunday-school. Its superintendent, who regularly takes his place at its head on each succeeding Lord's day, is the Hon. Joseph M. Beck, chief justice of the state. He is aided in this good work by a corps of voluntary workers from the town of Fort Madison where the prison is situated. To the labors of these self-denying men, the warden traces much of the good order and quiet of the convicts while in prison and their better life after leaving it. On this point he says :

Among other reformatory agencies that of the Sabbath-school stands second to none. The time was, and that but recently, when this agency was deemed more than problematical ; now it is no longer an experiment of doubtful practicability, but a tried and acknowledged means of the most powerful character for restraining evil inclinations, and for quickening, educating and strengthening all the better faculties of these unfortunates, resulting in an enhancement of self-respect, self-control and general good conduct. Of the 276 convicts, an average of 225 regularly attend this school, and no privilege extended to them here is embraced with such zeal and satisfaction. To the many Christian gentlemen of Fort Madison, who volunteer to conduct the weekly exercises of this school,—grateful as I am to them for their incalculable services in this behalf,—my gratitude is slight in comparison with that felt by the large majority of those committed to my charge.

Of volunteer work in general and of those who render such service in prisons, though its policy and advantages are questioned by some, Major Craig holds this view and expresses these sentiments :

Very important moral aid has been rendered from time to time by many godly men and women of the Friends' sect, who have frequently visited the prison and conducted religious exercises for the benefit of the convicts. The eminent preacher and teacher, Joseph A. Dugdale and his wife, of Mt. Pleasant ; Mrs. Jane Votaw and Mr. Votaw, residing near Salem, and Mr. Cook and wife, of Pleasant Plain, Jefferson county, together with many others whose names do not now occur, have spent hours and days here ministering to the moral welfare of the prisoners. The effect of these visits was so unquestionably beneficial to the convicts, that I should be remiss if I failed to make formal mention of them as examples of Samaritan goodness, which others may well emulate. If these good people fully realized the beneficent influence their visits and ministrations made upon the convicts, the reflection would constitute a reward so ample as to leave little else to be desired.

On the great value of scholastic instruction in prisons and the importance of cultivating and storing with useful knowledge the minds of the prisoners, the warden with entire truth remarks :

As Christianity and education are in some sense handmaids, and as vice and ignorance are twin monsters, I am constrained to employ all the means in my power, consistent with the provisions of law, to add to the education of the convicts. The great majority of them eagerly avail themselves of the very limited facilities offered in this direction. The growing idea of compulsory education rests upon the theory that the state is entitled to the best capacities of every citizen. If this obligation may justly be imposed upon the citizen, should not the rule be reciprocal? If ignorance is the parent of vice and crime, is not the state under strong moral obligation to dissipate the ignorance of its involuntary wards in the use of the best means? Of the 812 convicts received at the prison during the two years past, 46 could neither read nor write; 6 were but one step in advance of this condition; 61 were but poorly educated and properly come under the head of uneducated, making a total of 113. I have labored to impress the prisoners with the importance to them, of learning all they well can in the use of the limited means at my command; have made especial endeavors with those who could neither read nor write to teach both, to the end that they might communicate with their relatives while in prison, and be of benefit to them when discharged. In the great majority of these cases they have embraced the opportunities afforded, and many of those who could neither read nor write on entering the prison are now qualified to carry on tolerably intelligent correspondence with their relatives and friends to the extent which the regulations permit.

He proposes the establishment of a regular prison-school, and argues thus in support of the proposition :

The influence for good upon this class created by the limited education which the present facilities have enabled them to acquire—an influence too clearly defined to admit a doubt—constrains me to recommend to your Excellency that the subject of increasing the facilities for educating the more ignorant classes of prisoners be pressed upon the general assembly. That the cost of additional facilities may be as low as possible, I would suggest that a competent teacher in the person of the prison chaplain, be employed, at a fair salary, to devote his entire attention to the convicts in both of these capacities. And for economic reasons I suggest that the chapel, already well seated and but a short distance from the cell house, be used as a school-room, instead of building a school-room as recommended by my predecessor. Classes of these more ignorant ones to the number of 25 or 40 each, could readily be arranged, and taught each third evening of the week, say, in rotation. By this means they could not only be fitted in a considerable degree for the higher duties of good citizenship when their terms of sentence shall have expired, but their minds while in prison would, in a large measure, be diverted from the stolid brooding over their hard fate, which idleness naturally suggests. Such a school, together with the Sabbath school and library, I have no doubt would be highly beneficial to the convicts, to the discipline, and to the state and society when the prisoners are released. I earnestly hope, therefore, that the general assembly will give just consideration to this important matter, and make an appropriation of \$1,000 to \$1,200 per annum as salary for chaplain and teacher.

The wisdom of the suggestion as to the use of the chapel for a school-room is open to grave doubt. Two considerations oppose themselves to such an arrangement. 1. The customary use of a place of divine worship for secular purposes—even for so high an end as education—cannot fail to detract, in some degree, from the

sacred associations connected with it, and so to weaken its power as a strictly religious agent. 2. A chapel can hardly be so provided with desks, blackboards, maps, globes, and other modern appliances for the most effective teaching, as to afford the best facilities for school work. Undoubtedly the chapel is far better than no place at all for such work, and may well be employed while awaiting superior accommodations; but let it be regarded as merely provisional, and never as the permanent home of the prison school.

The Major thus speaks of the prison library :

Among other incentives to good order is the prison library. The convicts able to read are urgently recommended from time to time to employ much of their otherwise idle time in reading the books found in the library, of which there are some sixteen hundred volumes. This number might be considerably increased with great profit to the prisoners and advantage to the *morale* of the institution.

The following paragraph exhibits, in a general way, the dietary of the prison, and sets forth, in very specific phrase, the warden's view of its moral and physical benefits :

Still another, and by no means unimportant, agency in keeping the discipline healthful and efficacious, is the unvarying wholesomeness of the food of the prisoners. Their labor is continuous; their involuntary and unpaid servitude, together with their reflections upon the situation they occupy, all unite in making strong drafts upon their vitality. That their physical power may be equal to the requirements of the "hard labor" imposed upon them by the law, I am especially solicitous about their food. The best only of the kinds of food used in the prison are purchased, in the belief that the use of inferior qualities, however cheap in price, is at once a false and inhuman economy. Good, wholesome beef constitutes the principal article of meat diet; yet pork is liberally supplied. Occasionally fish is supplied, and on the holidays, chickens, sweet bread, and some other extras are furnished. Whatever it may be, it must be of the best quality obtainable in the market.

Major Craig is in accord with all other prison wardens on the excellent effect of the law which enables prisoners to shorten their terms of imprisonment by good conduct and industry; in other words, to gain a much coveted good through their own exertions—a principle which ought to have—and one of these days will have—a much broader application than it has at present in our prison administration. This is what he says of it :

The diminution of their sentences as a reward for good conduct, provided by law, is one of the most successful agencies in preserving good order and unquestioning obedience to prison regulations. This "good time" statute is a most powerful and happy element of discipline—the reward for well-doing being found in both the diminution of their terms of sentence and their consciousness of good behavior. In the operation of this law, forty-two days of the first year are taken from the sentence,

and forty-eight from each subsequent year. So strong an incentive to good behavior is this rewarding statute, that more than ninety-nine hundredths of the convicts are its beneficiaries.

The maximum reduction here is too small. This would enable a convict, sentenced to twenty years' imprisonment, to shorten that term by only two years, four months and ten days ; whereas the law of New York permits such a prisoner to work off fully one-third of his imprisonment. The commutation act of that state begins with a moderate deduction, but gradually increases it in proportion to the length of the sentence upon the principle which is both rational and just, that he who conforms to rule for an entire year is entitled to a greater proportional credit than he who only so conforms for a single day ; and *a fortiori*, twenty years of unvarying obedience should entitle the person who renders it to a much higher degree of credit than a single year of such obedience would. It was Horatio Seymour whose just and sagacious mind was the first to formulate this principle, and whose great influence as governor of New York, enabled him to cause it to be incorporated into the legislation of that state.

The following statement shows a usage in the Iowa penitentiary as wise as it is humane :

Every convict is informed that he is at perfect liberty to prefer complaint against any of the guards, foremen, contractors, or other person about the prison ; and that their grievances, if any they have, will be promptly considered and redressed. But thus far, owing to the excellent and kindly discipline, very few complaints have been made ; and in these few instances all the reparation possible has been promptly rendered, and careful provision made against further cause.

On the subject of prison labor the following sentences are clipped from the report :

There is now little question that, in prisons of this size and population, the system of contract labor is the best. The contracts for the sale of the convict labor are elsewhere given in this report, and attention is directed thereto. As a system, I deem the present plan as good, perhaps, as can be devised. No serious disadvantages have thus far been apparent.

How widely this view differs from the opinion of the undersigned will be understood by all who have read the preceding portion of this report. No doubt the system is much more manageable and therefore less objectionable, in a small than in a large prison ; but this is a consideration which belongs to what is accidental in it, and not to what is inherent and essential. Of course, where the adminis-

tration of a prison is subject to all the vicissitudes and fluctuations of political parties, successful management of its labor by the state, that is, by the authorities of the prison, is out of the question; and we must do the best we can for the moral reformation of the inmates in spite of the contract system. But where the head of a prison holds his office by a good-behavior tenure—and no other ought to be admissible—the case is altogether different. There is no more reason why such a head, supposing him to be competent, should fail to manage successfully both the labor and discipline of his establishment, than there is why the Cheney Brothers, of Hartford, must fail in the attempt to combine the conduct of their vast silk manufactory, as a business concern, with the moral administration of a population several times as large as the populations of most of our state prisons. Yet these gentlemen have succeeded at in once building up one of the grandest business enterprises of the age, and in organizing and interpenetrating with the spirit of order, economy, intelligence, industry, and virtue one of the noblest communities in this or any other country.

The sanitary and medical department of the prison appears to be admirably conducted by Dr. Hoffmeister; and the Rev. Messrs. Woodward and Reynolds, who are presumed to be pastors of churches at Fort Madison, appear to be faithful and zealous in conducting the public worship of the institution. At the same time, one cannot but concur in the wisdom of the warden's recommendation that a competent gentleman be placed in the permanent position of chaplain and teacher, who shall give his whole time to the work of religious and scholastic instruction and training.

Governor Carpenter, in a few apt and vigorous paragraphs of his message, strongly confirms all that Major Craig has said in his report. He thus speaks of the Baltimore Prison Reform Congress, and of the importance and utility of such conferences:

The warden has stated the fact of his appointment as a delegate to the National Prison Congress, and has detailed to some extent the proceedings of that convention, in which he was a participant. This convention was composed of gentlemen, many of whom had not only had valuable experience in the direction and control of convicts, but also of humane men who had made the matter of prison discipline a subject of thought and study for years. It seemed to me that, when the public mind was awake to the question of how best to conduct prison discipline so as not only to protect society but to make it educational and reformatory as well as exemplary, Iowa should lend encouragement to this spirit of progress by proper representation in conventions called to promote it, and that she should have the benefit in her own prisons of all wise suggestions made at these conventions. It was therefore gratifying to me that Major Craig accepted the commission and attended the convention.

Major Craig himself bears this honorable testimony in favor of the meeting at Baltimore, and makes this gratifying acknowledgment of the benefit which he had personally derived from its deliberations :

On the 9th of January, 1873, I was commissioned by the governor to attend the National Prison Reform Congress, held in Baltimore during that month. Nearly all the states of the Union sent delegates to this congress, among whom were many of the most eminent philanthropists and statesmen of the country. Able papers and essays were read before the congress ; conferences between many wardens of the various states were had, at which there was a free interchange of opinion on subjects appertaining to prison discipline and kindred topics ; much statistical intelligence was promulgated ; and during the session of a week I received much valuable information, by which I have been greatly aided in the management of this prison, and to which I ascribe much of the success that has attended the administration of its affairs for the year past.

A second state penitentiary has recently been established at Anamosa, Jones county, but no returns from it have come to hand, and the bare statement that such an institution has been organized is all the information that can be given concerning it in this report.

11. *Kansas.*

The documents at hand for consultation in the preparation of a review of penitentiary matters in Kansas are : 1. The annual message of the governor. 2. The annual statements, bound up in one pamphlet, of the directors, warden, chaplain, physician, architect, and clerk of the penitentiary. 3. The first annual report of the Board of Commissioners on Public Institutions.

The reports of the directors and warden, and those parts of the Governor's message and the report of the commissioners on public institutions which relate to the penitentiary, are largely taken up with the question of prison labor. The labor of the Kansas prison, except that part of it which is employed on the erection of the prison buildings, is evidently in a most unsatisfactory condition. The statute creating the penitentiary, if it does not enact, very clearly implies, that the state, or the institution as agent of the state, is to have the sole direction of the labor of the establishment ; for, in defining the duties of the warden, the act declares that, among them, is the duty " to superintend the manufacturing and mechanical business that may be carried on pursuant to law within the penitentiary, to *receive* the articles manufactured, and to *sell and dispose* of the same for the benefit of the *state*." Obviously, this is a virtual prohibition of the contract system in that prison and a command

to the authorities to direct and utilize, in the public interest, the labor of its inmates. Yet in spite of this explicit provision of law, the labor of the convicts has been repeatedly let to contractors for a period of five years, and, at the option of the latter, for the unprecedented term of fifteen years. Even so late as the 15th of October last, bids were opened for the labor for a term of fifteen years, if desired for so long a time. These bids were received in response to proposals, previously advertised in the papers of three states—Kansas, Missouri, and Illinois; and this, despite an official opinion of the attorney general of the state, addressed to the warden of the penitentiary under date of the 30th of March, seven months previously, to the effect that he “had looked in vain for any such power in the law,” meaning the power to contract the labor of the convicts to outside parties, adding that “subdivision sixth of section eleven seems expressly to prohibit it.”

The labor question at the Kansas state penitentiary, excluding, as a matter of course, that employed on state account, appears to stand, substantially, as follows: On the 7th day of March, 1873, a contract was entered into between the warden of the prison and the Kansas Wagon Company, composed of J. B. McAfee, N. J. Waterman, S. L. North, and others, into which firm was afterward admitted as a partner, the Hon. A. Caldwell. By this instrument sixty convicts were hired to the said wagon company at a per diem of sixty cents, and as many shop-runners as might be needed at fifty cents, with the privilege of increasing the number of convicts on the contract to 200, five years being specifically named for the continuance of the contract, with the option granted to the contractors of making the term fifteen years. By the terms of the agreement, the warden was simply to furnish sufficient shop room to work the prisoners to advantage, while the company bound itself to keep the shops properly warmed in cold weather, and to furnish, at its own expense, all material, tools, implements, machinery, foremen, and trade instructors. It was further stipulated that neither the warden *nor the legislature*(1) should have the right, during the existence of the contract, that is, for the space of fifteen years if the contractors chose to make it so long, to increase the price of the labor or divert it to the use of other parties. An additional pact was, that the company should have the right to annul the contract at any time, by giving ninety days' notice to that effect, while no such privilege was reserved to the state, which was bound hand and foot to the car of the company. These provisions will be conceded to have

been, to say the least, sufficiently liberal to the contractors; and I fear that it will be looked upon as something of a stretch of power on the part of the prison authorities to have undertaken to bind the legislature to a certain line of action toward a private manufacturing firm for fifteen years, without any specific or even apparent grant of such power, or any intimation that the restriction would be acceptable to that body.

The subsequent history of this contract and of the action of the contractors under it is both curious and instructive. The contract, as has been said, was signed on the 7th day of March, 1873. On the 6th of May, the wagon company asked that additional shop-room be provided, promising to take prisoners enough to fill it; and the directors promptly ordered an enlargement of the shops to double their then capacity. On the 4th of June, Mr. McAfee appeared before the board in behalf of the company, and requested them to purchase a boiler and engine to be used in the wagon shops. Without demur the board acceded to this request and made the purchase as desired, at a cost of \$3,950. Such quick complaisance was truly marvelous, considering that the contract called for no outlay for such a purpose but, quite the contrary, required *all machinery* to be provided by the contractors.

Encouraged, no doubt, by this easy success, the members of the firm appeared in a body before the board at its stated meeting, July 3, with two trivial requests which were promptly granted, and also with three of a grave character, a compliance with which would have absorbed a considerable part, if not the whole, of the income to be received by the state as the fruit of the contract. The petition embraced the following points, viz.: 1. To build a switch [several miles in length] from the Kansas Pacific Railway to the penitentiary. 2. To agree that ten full hours be considered a day's work. 3. To furnish the power to run all the machinery necessary to carry on the work to be done under the contract. These requests were denied; but the directors promised to see whether they could not induce the railway company to build the switch. When the board again met, August 5th, the same persons appeared a second time before the body with the rejected propositions, and strenuously urged their acceptance. The directors promised to again take the matter into consideration, but adjourned over till the next day for that purpose. With haughty impatience, and acting as if they had been masters instead of suitors, the contractors instantly issued this imperial ukase:

In accordance with the provisions of the contract of March 7, 1873, we hereby give notice that our contract will cease at the expiration of ninety days from this fifth day of August, 1873.

(Signed) KANSAS WAGON CO.

With a meekness which would be amazing, if it did not give rise to the surmise that they knew this movement to be merely an outburst of petulance and a ridiculous sham, the directors gave the whole of the next day to the consideration of the contractors' application, and then, without coming to a conclusion, laid it over to the next regular meeting. When the board met, on the 4th of September, it decided not to accept the modification of the contract demanded by the firm, and directed the warden to advertise for proposals for the surplus prison labor, to be opened October 15, 1873. This action certainly seems a little remarkable, when viewed in connection with the following decisive language of the attorney-general of the state, employed by him in reply to a request for his official opinion as to the legality of the contract made with the Kansas Wagon Company :

The legislature has never, in any way, waived its right to completely change the whole penitentiary system whenever, in its judgment, a change may be necessary ; and yet, in article 16 of the contract, you stipulate that the legislature shall not have the power for the next five years (or fifteen at the option of the contractors) to make any change " which shall diminish or increase the price of said labor as fixed herein, nor divert, for the use of others, by contract or otherwise, the labor of said convicts, so as to deprive said parties of the second part of the same under and during the existence of this contract." I am satisfied that there is nothing in the laws of this state which, directly or by implication, would bind the state to make good such a contract ; and I am, therefore, reluctantly constrained to say that such a contract is not legal.

The proposals for new contracts for the prison labor were extensively advertised for more than a month (as before stated) in Kansas, Illinois and Missouri. The financial panic was then at its height ; and for that or some other reason, only three bids were received. On opening them, it appeared that two were by different members of the Kansas Wagon Company, and the third by J. L. Abernathy. There are some remarkable coincidences in these bids. For instance : They all offered extremely low terms for the labor—thirty to thirty-five cents per day, to begin with—Abernathy limiting his rate to thirty-five cents for the whole duration of the contract asked, and the other two parties advancing the rates so as to make them sixty cents for the last five years, in case the contract should be for fifteen. They all insisted on having only long-term men, and all

demanding that motive power to propel the machinery be furnished by the state. Mr. North of the wagon company, one of the three bidders, made it a condition of his bid that ten hours of actual labor should alone be counted a day's work, adding additional exactions as follows :

The state to provide all necessary shop-room, all main shafting, the blower and all necessary tubing or pipes leading to the forges ; to heat the shops ; to furnish all needed runners, not exceeding one for each ten men employed, and all necessary motive power ; to grade and tie the track from railroad to shops and to use best endeavors to have railroad company iron it. I am to have exclusive privilege to manufacture wagons and carriages of all kinds, cars, and furniture ; to have the refusal of any surplus labor over two hundred men for any kind of manufacture, when not needed by the state. I reserve the right to throw up the contract at expiration of first year by giving sixty days' previous notice ; and at any future time by giving three months' notice. I shall not be required to employ in shops any men whose term of service is less than three years.

For all this he offers thirty-five cents a day for the first year ; forty for the next two ; forty-five for the ensuing seven ; and sixty for the remaining five. It is curious to compare these terms with those offered by two other members the wagon company,—Messrs. Waterman & Caldwell, viz. : thirty cents for the first two years ; thirty-five, forty, forty-five, and fifty for four successive divisions of time, each of two years' duration ; and sixty for the last five years. The remaining portion of Waterman & Caldwell's bid is exceedingly slipshod. There is not a word in it of ten hours for a day's work, nor a single one of the minute and extraordinary conditions recited in the bid of the other member of the firm, but simply a general statement that details should be determined when the contract was made. Upon the whole, the presumption is that Waterman & Caldwell's bid was not a serious proposal, but a sham, and that there was an understanding between the three members of the firm by whom the two bids were put in. There is a suspicion that Abernathy was also in collusion ; but this is not so clear.

The board of directors appear to have been stunned by what the opening of the bids revealed in response to their advertisement. They stood aghast at the smallness of the results. Considering the doubtfulness of their right to make any contract, and also the doubtfulness of the form in which the proposals were couched, they rejected the bids in the lump, and then, in their despair, again betook themselves to the wagon company that had treated them so cavalierly on the 5th day of August preceding. They instructed their clerk to notify that company that the board had rejected all bids

for convict labor—the very thing, probably, that they had laid their plans to effect—and to inform them that if they had any proposition to submit, the said board was ready to hear it. Thus the tables were completely turned and, instead of receiving petitions, the board became the petitioner. Feeling that they were now masters of the situation, the company used their power in a merciless spirit, and fairly drove their victims to the wall. They took the pound of flesh without a grain of compassion or remorse. They relentlessly exacted for a term of six months the labor of skilled mechanics at twenty-two cents a day of ten full hours, without a minute's abatement. But since, during the winter season, the convicts could work only about seven and one-half hours between sun and sun, the state really received only sixteen and one-half cents a day for each man on the contract. Yet even so, the contractors claim that they are working at a loss. If that be a fact, they are evidently incompetent to conduct the business in which they are engaged. But the commissioners on public institutions say in their report: "There is a difference of opinion as between the warden and the contractors concerning the profits in the wagon shops." It is probable that there well may be.

I have gone into this long history, which is very much longer in the documents upon my table, because it seems to afford an admirable illustration of the spirit of the contract system which, though it may sometimes be held in check by an outward and sometimes by an inward power, is, nevertheless, in its nature and essence, hard, cold, selfish, grasping, dictatorial, unscrupulous, keenly alive to its own profit, and careless of the interest of others, especially that of the poor convict, in whom it sees only an instrument of money-making. It is amazing that the authorities of Kansas—governor, directors, warden, and in some degree the commissioners of public institutions—still cling to this system, which the law of the state forbids, and the experience of the state condemns. The wisest thing to be done would be, as suggested by the commissioners, to put the whole force, except what is needed to perform the ordinary work of the prison, on the completion of the buildings, and keep them there till all are finished. Then let the labor of the prison be organized and managed, conformably to the provisions of the existing statute, by the state itself through competent agents, whose services can always be had for adequate salaries (and all others are dear at any cost); and Kansas will speedily realize the noble aspiration of chaplain Mitchell, as expressed in the report for 1867, the first ever published concern-

ing the penitentiary : " We feel a great desire to have, in Kansas, the best fed, best clothed, best governed, best behaved prisoners in the nation ; and, ultimately, the smallest number of them in proportion to our population."

Too much time, perhaps, and too much space have been given to this topic. We therefore pass to a brief exhibition of the general state and condition of the prison. Mr. Henry Hopkins has been for many years at the head of it, and has shown such ability and tact in its management, that it is no matter of surprise to hear the newly created board of commissioners of public institutions bearing this testimony in praise of him and his work :

The discipline of the prison is excellent. The warden and deputy warden are efficient officers in this respect, and the shop officers and assistant keepers in general deserve a portion of the credit. Our penitentiary will compare well with those of other states in order, cleanliness, cheerfulness, and humane government, and excels many that are much older ; *but we do not consider that the financial management in all things has been free from imperfections.*

In reply to a request made by the commissioners, Mr. Hopkins submitted to them a somewhat extended view of the inside state and working of the penitentiary. This statement is much more interesting than his regular report addressed to the board of directors, which is largely taken up with a rehearsal of the industrial and financial troubles of the establishment. Greater use will, therefore, be made of the latter than of the report, for the purposes of the present review.

Mr. Hopkins thus describes the reception and initiation of the convict :

When the prisoner is received, he is immediately dressed in a suit of prison clothing ; his beard and hair are trimmed ; he is made to read aloud in the office the prison rules, and is thoroughly instructed as to every requirement, and also as to what benefits he will become entitled to, if a strict compliance with them is given. He is then assigned a cell containing the following articles : An iron bunk, hinged to one side of the cell ; bedding, consisting of a shuck mattress, two woolen blankets, shuck pillow, sheets, and pillow-slip, which are washed every week ; a box, used as a seat and for books ; a covered night bucket, tin wash basin, small water bucket, towel, hair comb, and cell broom. A copy of the prison rules governing prisoners is placed in each cell. In addition to the foregoing, when prisoners become entitled to their earnings, they are permitted, if they desire, to purchase a small pocket looking-glass, hair brush and tooth brush. Each one is required to keep his cell clean and every article in perfect order, or he is deprived of such article until he complies with the requirement.

All this shows a thoughtful and humane care for the convict. But one is pained by the very first statement made in the letter, viz.,

that the prisoner, on his entrance, is immediately dressed in the prison garb, by which is meant, no doubt, a parti-colored suit. That is to say, the very first thing that meets him in the prison is a rude shock to whatever remnant of self-respect still lingers in his bosom. It is true, Kansas may plead that herein she does but follow the example of most of the other prisons in the land; still, the practice is none the less a wanton and, it may be added, an illegal blow at the prisoner's manhood; for nowhere, so far as I know or believe, is this degradation a part of the sentence. The convict is sentenced to such or such a term of imprisonment with hard labor, but not to a repulsive uniform, distinguished by stripes of white and black, or by being half red and half brown, a garb hateful to the view and degrading in its effect. In employing such a style of clothing, prison officers have overstepped the law, and inflicted a punishment beyond what it prescribes. Such a dress belongs to an age when punishment was inflicted for purposes of vengeance, and without any reference to the moral amendment of the criminal. The chief object was to humiliate and pain the prisoner; and it is a device that goes straight to the mark. Its success in attaining its end is preëminent and unquestionable. But the mischief is that it spares none. It operates on all alike—the penitent and the hardened, the obedient and the rebellious. It is founded on an idea pregnant with evil—that all are to be treated in the same manner, whatever their diversities in physical, mental, and moral condition. God does not treat his creatures so; and man seldom does his fellows. It is only in the prison that this cruelty and wrong find place. As the idea on which the practice is founded is passing away, may we not hope to see pass away with it a regulation that causes many a needless pang, and only degrades those who ought to be aided to rise? Let it not be said that this is but a mawkish sympathy for the criminal, which turns coldly away from the victims of his crimes. May not a judge pronounce sentence with a trembling voice, or a mother chastise her erring child with a tearful eye? No! It is not the sentence, or the chastisement, that we blame. These, however painful, may be necessary for the reform of the offender and the protection of others. It is only when the magistrate insults while he sentences, when the parent bruises and maims in chastising, that we would have an arm ready to be stretched out for the rescue, and a voice prompt to speak in condemnation.

I have admitted that, in the use of a parti-colored prison uniform, Kansas follows a multitude in doing evil—a practice condemned by

the Book—but there are honorable exceptions. For twelve years, the undersigned has not ceased to do battle against this usage. As the fruit of this warfare or from other causes, the custom has given way in a number of instances. This is true of the state prisons of Massachusetts, Rhode Island, Wisconsin, Michigan, the Albany Penitentiary, and, I think, some others. The parti-colored dress has never been in use either in the Detroit House of Correction, or the Albany Penitentiary, or the Alleghany County Workhouse, Pa. Wherever the distinctive prison garb has been replaced by one of uniform color, the good effect has shown itself in the increased self-respect, good feeling, manliness, and spirit of obedience in the prisoners; of all of which their letters home, as well as their conduct in prison, have given abundant evidence. A convict in the Wisconsin prison, when visited by an acquaintance from his native village and asked whether he had any message for his mother, promptly replied: "Tell her that I am no longer compelled to wear the hated prison dress, but have a decent suit that any farmer or mechanic might wear, and that I feel more like a man, and am more contented and happy."

The warden's statement, as cited above, speaks of a time "when prisoners become entitled to their earnings;" that is, as I suppose, a share in them. This is a gleam of cheerful light. It shows that an important as well as just and fruitful principle has been introduced into the administration of the prison. But it would have been a gratification to be let somewhat more fully into the working of the principle, the mode of its application, and the results wrought by it. This passing flash is rather provoking than satisfying.*

The importance of *individualization* and other matters connected with a reformatory prison discipline, are thus referred to:

We find in the management of every department of the prison, that it requires a very great stock of *patience* and good judgment. Firmness, tempered with kindness, is a prime requisite. Have only such rules as are necessary, and then have them *strictly* complied with.

The better we understand each prisoner individually, the more successfully we can manage them. We endeavor to surround them with such influences as tend to elevate the prisoner, and discountenance wrong in every shape where it shows itself. Make a man such that he can and will truly respect himself, and he is sure to gain the respect of those around him. One may suddenly *resolve* that he will do better; but that resolution must be continually supported by practice. The fruit it bears is of slow growth, and needs constant and careful cultivation to thoroughly ripen into true manly living. It is impossible to eradicate, in one or two years, habits that have taken many years of constant practice to form.

* In the Prison Congress of St. Louis, and subsequently to the writing of this paragraph, warden Hopkins gave a fuller and more satisfactory statement on the point here referred to.

It is our aim in the discipline not to overlook a single violation. It is not necessary to administer punishment in every case ; but it is necessary in some way to give the prisoner to understand that it is a violation, that it is noticed, and that it must not be repeated. Make reasonable promises only, and those that can be fulfilled. If we fail to be true to our word in the least, they will doubt our sincerity in all things. To govern well is to have the confidence of the governed.

Under certain specified conditions, Mr. Hopkins favors the principle of indeterminate sentences, first suggested by Mr. Frederic Hill, formerly inspector of prisons under the British government, and afterwards adopted and most ably defended by his late brother, Matthew Davenport Hill, Q. C. This is what he says on that question :

We find many difficulties in the way of governing, in the sentences being in many instances either too short or too long. For the punishment of *ordinary* crimes, my experience convinces me that indeterminate sentences would be the most effective in reforming the man who is wrong. Put it into the power of the prisoner to either shorten or prolong his stay under restraint, with the right man in charge ; have a board composed of good, fair-minded men, forming a commission to determine as to the advisability and the fitness of the prisoner to become again a free man ; keep a record of the man and his actions while in prison ; note his proficiency in his trade, his educational attainments for a term of years, and have the prison discipline what it should be, and rightly administered. Certainly, all this would be, in the majority of cases, a sufficient guide to determine whether it would be advisable or not to release the prisoner. There are as many lost by too long as by too short a sentence.

One condition, not mentioned here, yet essential to any successful or even safe application of this principle, is a permanent prison administration entirely removed from the arena of party politics, and thus free from the fluctuations which must ever attend party control.

It will be interesting to cite the order of proceedings on the Sabbath, which are thus related :

The routine of exercises on Sunday is : at 8.30 choir practice, rehearsing the hymns to be sung at chapel services, and other pieces selected by any member, and general instruction in singing and music. This is enjoyed by every one participating, and aids in gratifying the entire prison when congregated for general services, prisoners being easily favorably affected by good singing. Quite a good organ has been furnished, and is played by one of the prison officials. The effect of music on a body of men, whether in prison or on the battle field, is very marked for good. Many eyes have been moistened and many a heart touched with pleasant memories of by-gone days which it unfolded to view. Considerable attention is paid to this part of our religious services ; its influence tends to elevate, and at the same time to draw the mind off from the monotonous routine of prison life. Chapel services commence at 9.30 and continue for one hour, after which a meeting for prayer, singing, and the relation of religious experience is organized for all who feel inclined to stay, and continues for one hour. At 12.30 the school commences. It is composed of those who are deficient in reading, writing, spelling and arithmetic. This exercise is continued for

two hours, and is similar to schools elsewhere, the men being formed into classes and placed in charge of those prisoners who are sufficiently educated to instruct them. The entire school is under the direct supervision of the chaplain.

The report of the chaplain, Rev. J. F. Morgan, is full and interesting. From this we learn that one-fourth of the prisoners, when received, are unable to read; that one-third of them attend school; that even with only two hours' schooling a week—quite too little, he justly says—many make marked improvement; that school books are issued to numbers of prisoners who do not attend school, but receive instruction in their cells; that the prison library is of respectable size and in good condition; that prisoners who can read are eager for reading matter; that many use a portion of the small amount allowed them from their earnings to provide themselves with books and papers, and that no less than seventy are regular subscribers for some magazine or journal, none however being permitted except such as are known to be of good moral tendency.

On the subject of correspondence, the chaplain makes this very interesting statement:

The correspondence of these men with their friends in the "outside world" is a matter of no little interest. It has a wide range, embracing every variety of relation, and extending to six different countries. The number of letters received during the year is 2,650, the number mailed 2,352; total for the year, 5,002. These letters have all passed through my hands; have been read and registered. By this means quite a history is gathered of many a family; generally a very sad history, one of sorrow, of disappointment, and in nine-tenths of these cases the sadness is the result of intoxicating drink. There is hardly a prisoner here whose crime, and the consequent suffering to himself and others may not be traced to the use of this poison. This correspondence also reveals where the suffering is most keenly felt; the convict is by no means the greatest sufferer; the wives, mothers, sisters and daughters of these men endure suffering which cannot be expressed. On the whole, I think this correspondence a means of good to the prisoner. Many of these letters, notwithstanding they speak of suffering, bring good counsel and kind words of sympathy, and encouragement to strive after a purer life. And it is no hyperbole to say that by this agency many a wayward son "has come to himself," and resolved and confessed, and finally returned to his "father's house."

The chaplain speaks in emphatic terms of the conference or devotional meeting, held every Sabbath morning after public worship. He says that though the attendance on this service is voluntary, the average number that frequent it is over one hundred, and that often new voices are heard in it, expressing a strong desire to lead a better life in the future.

On the subject of reformation Mr. Morgan speaks as follows:

In regard to the reformation of these men, I can speak with more positiveness than I could a year ago. When men reform, or appear to, in such a place as this, they do

so under very different circumstances from those attending them in the "outside world." Hence we can hardly tell whether they will remain firm when brought into contact with their former temptations. For this reason I have been very cautious in estimating the number of genuine reformations or conversions. But it is gratifying to be able to state that testimonials have been received from some who were discharged six months, some a year, and others more than a year ago, showing that they are carrying out their good intentions—leading upright and prosperous lives. We have reason to praise God for such testimony, and for the success that has attended our efforts through the year.

The authorities make commendable efforts to encourage and help discharged prisoners. On this point the chaplain speaks thus :

Much depends on the discharged convict being put on the right track when first restored to liberty. A few dollars then, and a little of the right kind of sympathy, would do more toward saving the man to an honest, upright and prosperous life than a thousand dollars would at some future time. It would be as the "ounce of prevention" is to the "pound of cure." It would be rendering the assistance at the time of the greatest need.

To secure employment for discharged men during the past year, has been very difficult, especially for the last six months. In almost every vocation the supply of labor has been greater than the demand, but whenever it has been possible, a situation has been secured for those who desired it. It is impossible to keep track of every man of the number discharged during the past year. Fifteen have been assisted in obtaining employment. Fourteen are known to have obtained work at a distance from here, and forty-two went directly to their homes.

12. *Kentucky.*

The state prison of Kentucky is conducted on the leasing system, so strongly commended, as has been seen, on financial and other grounds, by the warden of the Georgia penitentiary. My objections to this system have been stated in the report on the latter of these prisons, and need not be here repeated. But it will be interesting to hear what the governor of Kentucky has to say upon the subject after a thorough study of it from an official stand-point ; a study imposed upon him by his relation to it as executive of the state. In his message addressed to the legislature Dec. 1, 1873, Gov. Leslie says :

I cannot but regard the present system under which the state penitentiary is leased and managed as a reproach to the commonwealth. In thus expressing myself, I would not be understood as implying any censure of the present or any former keeper in charge of the institution. It is the system, not the officer acting under it, with which I find fault. Impressed with this conviction, and anxious that the subject should be dispassionately and carefully considered by a legislature unembarrassed by a canvass for the election of keeper, I commended the matter to the attention of the general assembly in my last annual message. As, however, it was not taken up for consideration by that body, and as further thought bestowed upon the subject has but more thoroughly convinced me of the correctness of the views presented at that time,

I would respectfully invite you to take the subject into careful consideration. I still favor and recommend the adoption of the warden system, as proposed in my former message, as I am satisfied that it has, more fully than any other, subserved the ends for which the penitentiary was instituted. But should you determine to adhere to the present system, I feel constrained (respectfully but most earnestly) to call your attention to some serious defects in the law governing the subject as it now stands. The correction of which is required alike by considerations of public interest and by motives of humanity.

In an economical point of view, the leasing system has proved a costly experiment to the state. Since its adoption, in 1857, the excess of expenditures over receipts has been, as shown by the auditor's exhibit, largely over three hundred thousand dollars; and from 1865 to the present year inclusive, the average annual charge of the institution on the public treasury has reached the enormous amount of forty thousand dollars. This burden upon the state must continue and probably be steadily increased, so long as the penitentiary shall be leased upon terms now provided by the statute. The legislature will be constantly called upon to make appropriations for the erection of new buildings, repair losses by fire, supply additional machinery, etc., whilst the only income derived from the institution, to meet such outlay, is the stipulated eight thousand dollars, to be paid as annual rent by the keeper.

Now, whilst we cannot expect that any suitable and competent person will undertake the management of our convict labor unless it promises to be amply remunerative, I feel sure that the annual payment required of the lessee might be greatly increased, and still leave a large margin for profits. The hire of six hundred convicts, at \$8,000 per year, allows, as wages for each person's labor, less than twenty-six cents per week, or a fraction over four cents per day. When we take into consideration the fact that all the necessary buildings for the accommodation of the inmates, the workshops, machinery, tools, etc., are furnished by the state, that the food and clothing supplied are of the cheapest quality, and that the labor is under absolute control, it does seem to me that an increased amount might be profitably paid for that hard labor which the taskmaster is not only permitted, but required by law, to exact from each convict.

A more important amendment to the law is required, in the interest of humanity, for a more thorough inspection of the management of the institution, which, while it will tend to secure a wholesome prison discipline, may guard against abuses of power, and insure a strict obedience to the requirements of the law.

The report of the keeper and lessee, Mr. J. W. South, covers two years, but it contains nothing of general interest, except a statement explanatory of the large number of pardons (203) issued by the governor during that time, which is as follows :

The number of pardons may, at first glance, appear to be great; but it will be remembered that almost all the prisoners pardoned by the governor had nearly served out their respective terms of service for which they had been sentenced. This clemency of the governor, in exercising the pardoning power, has a good effect on the prisoners, and has much to do in bringing them into obedience to prison rules, as a pardon relieves them of certain disabilities imposed by law in certain cases, if only granted one day previous to the expiration of their terms.

It will have been seen by the citation from the governor's message given above, that he strongly implies that the profits of the lessee from the labor of the convicts must be large, while the state

is annually losing, by this arrangement, some \$40,000. These large profits, thus rather hinted than stated, are chiefly realized from the manufacture of hemp, one of the staples of Kentucky, into bagging. In connection with this fact, it is both curious and instructive to look at the report of the two physicians of the prison. The number of deaths reported in the prison for 1873 is 45, which gives a death-rate of nearly eight per cent. on the average population of the prison. Now, of these 45 who died in 1873, the deaths of no less than 28, which is within a fraction of two-thirds, are reported as caused by pulmonary complaints. To what cause is to be ascribed this large proportion of deaths from diseases of the lungs? Undoubtedly to the employment of the great body of the convicts in the manufacture of hemp. In fact, it is expressly so stated by the prison physician, and this statement was confirmed to the undersigned by one of the attendants in the prison hospital on the occasion of a recent visit to the penitentiary. Nor was I surprised at this, from what I saw and experienced in passing through the shops where this industry is carried on. The result of my study and observation on this point is a conviction, clear and strong, that it is the duty of the people of Kentucky to put a stop to the manufacture of hemp within their penitentiary, for, to my mind it seems nothing short of an inhumanity and cruelty to the prisoners who are still human beings, though confined within prison walls. If it be said that the hemp must be manufactured either within or without the prison, I reply that the conditions of the manufacture, within and without, are essentially different; and that at all events, those who are outside are free to do as they choose.

The warden in communicating statistics, under the heading "General Remarks," says :

Our system is the congregate system. All prisoners are allowed to converse with each other when not at work. All have free access to the prison yard on Sunday, except such as have failed to do their task, or have misbehaved during the week, or have tried to escape. As a general thing, our men work well and do not give us much trouble.

13. *Louisiana.*

It has been impossible to obtain a syllable from Louisiana in relation to the prisons of that state. Repeated letters have been addressed both to the warden of the state penitentiary and the executive of the state; but nothing, either printed or written, has been elicited in reply. Possibly the mails may be in fault. Let us hope so.

14. *Maine.*

The state prison of Maine, under the eleven years' administration of Mr. Rice, has been one of the best regulated, best managed, and most successful prisons in the country, whether regard be had to the financial or moral results yielded by it. During the last year, with an average of less than 150 inmates, the net gain from their labor over all current expenses was \$6,544.98. Of the 22 new convicts received into the prison in 1873, only one had been there before, which is about the usual proportion of re-committals. The industries in this prison are managed, and have been throughout the whole of Mr. Rice's administration, on "state account," that is, by the warden. A vigorous effort was made last winter to change the system of labor and put it into the hands of contractors, which failed utterly—how much to the advantage of the state clearly appears from a comparative view of the financial operations of the prison during the last two decades, in the former of which periods the contract system was in force, while in the latter the system of working the men on state account has been the one in vogue. The aggregate difference, financially, in favor of the last of these decades over the first, is \$114,427.92; being an annual difference of \$11,442.79.

The chaplains—three of the pastors of churches in Thomaston—through one of their number, the Rev. J. K. Mason, report:

Beyond the Sabbath service from 9 to a quarter past 10, A. M., very little of chaplain's duty has been done by us. That service has been well attended, and the convicts have manifested a disposition to listen and deport themselves with great propriety. Themes have been selected, as far as possible, with the hope of interesting and profiting them; but to lift such men into anything like true and noble manhood requires something diviner than fit and earnest preaching, and usually a great deal more of something that is *human*, as well. The latter we have not been expected to afford, nor could we if it had been. Our sympathies prompt to more work sometimes, but the actual achievements are of small account in the interest of any real reform. What is done is not to be regarded as surely *lost*, however it may fail of the desirable end.

Should there be no appointment of a chaplain, on account of infelicities for special labor incident from the recent disastrous fire, we respectfully suggest the inquiry, whether some temporary arrangement for affording the more ignorant convicts some instruction in the rudiments of an education may not be authorized? We still hold, and more firmly than ever, that it is not the mere execution of penalty in which the state is concerned, and for which it is responsible, but, rather to so execute it as to reclaim and reform, if possible, every convict; and, therefore, that the sentiment which found so unanimous utterance in the "International Penitentiary Congress," held in London, in 1872, is right, viz.: "Industry, education and religion are the chief instrumentalities to be relied upon for the accomplishment of the great end, which is the security of society and the radical reform of the criminal."

There is one thing in the report which I regret to see there, viz.,

a list of the names of the convicts confined in the prison. Having, however, in reporting upon the Alabama and other state prisons, expressed my views on this subject and pointed out what seems to me the cruelty and impolicy of such a publication, I add nothing further here than the expression of a hope that this practice may be dropped in a prison, whose management has in it so little to criticise and so much to commend.

15. *Maryland.*

The Maryland state prison, under the efficient administration of Thomas S. Wilkinson as warden, appears to have reached a higher stage of prosperity, financially, than ever before. Gov. Whyte, in his annual message to the legislature, uses this language concerning it :

The report of the directors of the Maryland penitentiary presents, I feel confident, the most satisfactory exhibit of the affairs of that institution, which has been made since its establishment.

It will be observed, that (probably for the first time in its history) it has been self-sustaining, and that for the year, ending November 3d, 1873, its earnings have exceeded its expenditures by the sum of \$5,638.42, which will be paid into the treasury of the state, as required by law.

This result has been achieved without, in any way, abridging the usual comforts and proper nourishment of the prisoners, but, on the contrary, they have been, within the last two years, supplied with pillows and bed linen, not heretofore furnished them, as well as with a renewal of their bedding, which had become dilapidated and worn out.

This gratifying financial condition of the prison bears the best testimony to the fidelity and sound judgment of the board of directors, and to the efficiency and good discipline, maintained by the warden and his subordinate officers, all of whom are entitled to your highest commendations for an earnest, zealous and humane discharge of duty. Personal inspection of the prison justifies this encomium.

The warden, the directors, and the executive of the state all urge upon the legislature the passage of an act granting to well-behaved convicts an abbreviation of their terms of sentence. The governor says :

It is desirable that prisoners confined in the penitentiary, who shall so conduct themselves that no charge for misconduct can be made against them, should have a deduction of time from their sentences, upon a fair scale to be distinctly set forth in the law providing for such commutation. In this way, the necessity of exercising the pardoning power would be greatly abridged.

The directors and warden urge the same measure on the ground of its probable good effect upon the prisoners and the good order of the prison.

On the actual discipline of the penitentiary the board say :

The discipline of the prison is strict, but not severe, and is enforced with as great a degree of moderation and forbearance as is compatible with its very essential preservation. The convicts all labor with the utmost willingness, and seemingly take great interest in the character of the employment to which they are assigned. Punishments, except for minor offenses, are the exception rather than the rule.

16. *Massachusetts.*

The report of warden Chamberlain for 1873, on the Massachusetts state prison, is a remarkable if not a model document. It is remarkable both for its want of consistency and its random criticism.

As instances of the former quality, take the following : On page 11 of his report, he says : " Here they [the convicts] are compelled to learn a good trade." On page 13 he says : " It [the present system of contracting the labor] is the cause of unintentional injustice to the convicts by changing them from one trade to another, so that they become skilled in none." On page 10 he declares : " The ignorant and illiterate are taught a common English education." On page 12 he affirms again : " The school, as a means of instruction and cultivation, I don't hesitate to pronounce a failure ; but, as a means of communication, of concocting schemes of escape and rascality, it is an undoubted success." On page 9 he says : " With some few exceptions, I find the convict a man, not essentially different from the rest of mankind, subject to the same influences, moved by the same passions, desires, affections, hopes and fears." On page 15 he pronounces them " corraled wolves."

But his criticisms are as extraordinary as his consistency. On page 9 he says :

I have read with much care and interest many hundred pages of learned theories of grand humanitarian ideas, essays on the prevention of crime and the reformation of criminals, reports of prison commissioners, congresses and conventions, state, national and international ; and through all I find a tendency to treat the convicted sinners as a separate and distinct class from the rest of mankind ; and that it requires some peculiar legislation, some new power or process, whereby criminals could be, as it were, put into a machine and turned out model Christians.

On pages 10 and 11 he resumes the critical knife in this slashing style :

But next to man's hard heart and perverse nature, I consider that the greatest obstacle in criminal reformation is a class of self-styled reformers, who have a morbid mania to be considered kind-hearted, sympathizing humanitarians. Their sympathy is only with the victims of vice ; their exertions are only with criminals. The greater the crime, the greater their sympathy. Their hearts and eyes are hermetically sealed to all appeals to them for help from struggling virtue, ready to sink into vice for want of assistance ; but they withhold their bounty and benevolence until the

street Arab becomes a hardened criminal, imprisoned for some fearful outrage on the community; then all the pent-up kindness of their natures gushes forth in his behalf. Provided it can be done at somebody else's expense, they will, if permitted, furnish him with rare luxuries; they will lead him to believe that he is the injured party, the victim of prejudiced society and perjured law-officers: they try to surround him with a halo of martyrdom, heap abuse on his keepers, and besiege the executive ear with their pleas for pardon. They wish the public to believe that they are doing a great work in the cause of morality, when all their acts tend to encourage crime and thwart justice.

An article in the *Edinburgh Review* on one of the earlier works of Goëthe was, many years ago, translated into German and published in Germany, with this curt comment appended: "This is what, in England, they call reviewing." Not another word was added. The criticism of General Chamberlain stands in quite a little need of refutation. The mixture of self-conceit and ignorance (or, if not ignorance, then something less respectable), embodied in these paragraphs, can only draw a smile from any one but moderately acquainted with what has been written and published on this subject. Caricature could "no further go."

To place in a still stronger light the utter recklessness of this prison governor—at the head, too, of the chief prison of the old Bay state!—let one more statement of his be put into the crucible. On page 11 he makes this broad and unequivocal assertion: "Ireland claims to have the best reformatory penitentiaries in the world, and yet sends us a majority of our convicts." "Table No. 8," on page 24 of his own report, informs us, that while 416 of the prisoners in confinement at the date of the report were natives of the United States, only 83 were of Irish birth! "Random talker" was an epithet applied by "the wisest of the Greeks" to that common scold, named Thersytes. If what has been cited from this report be a fair specimen of his ordinary discourse, General Chamberlain may be fairly classed as belonging to the genus. "random talker." Even if what he says as to the proportion of Irish in the Charlestown prison were true, it would be nothing at all to the purpose, unless he could show at the same time, that "the majority" of which he speaks had been inmates of the convict prisons of Ireland. How far that is from the truth, is attested by Miss Mary Carpenter who, after careful inquiry on the spot, during her recent visit to this country, declared that while there was a number there from the English prisons, there was only one from the Irish; and even those from England, as she ascertained by investigation, had been liberated before the present improved methods of prison treatment had been put in practice in the English convict establishments.

Upon the whole, after a careful perusal of this report of General Chamberlain, it is quite evident that one needs to be "neither a prophet nor the son of a prophet," to foresee that little can be done towards impressing a reformatory character on the discipline of the state prison at Charlestown so long as he is permitted to remain at its head. This is a sad thing to say or to think, for the whole country has been accustomed to look to Massachusetts both for guidance and quickening in the work of improving and perfecting its penal institutions. How much need there is for improvement of the penitentiary system even in Massachusetts, is evident from the following statements of Governor Washburn in his message to the legislature, January 8th, 1874. He says in that document: "We seem to overlook the fact that the end to be attained by penal servitude should be not simply punishment, but reform through punishment." Again: "While it is the duty of the state to punish, it is also its higher duty to make every reasonable provision for reformation,"—an exhortation plainly implying that, under present arrangements such is not the fact.

The report of the chaplain, the Rev. S. L. B. Speare, is an interesting document. Room is made for a single extract relating to the prison prayer meeting and Sunday school:

I would make prominent mention of our Sunday-morning prayer meeting, both because it is a source of joy and strength to my charge and because of the kind coöperation of the officers, who cheerfully come to their duty at an earlier hour than they have before been accustomed, in order that we may be able to hold this meeting. The exercises are conducted almost entirely by the prisoners, and are creditable alike to their intelligence and piety. The same individuals attend who compose the Sunday school, both being voluntary exercises. They number about one hundred, and are steadily increasing. Prominent and grateful mention should be made of our Sunday-school teachers, thirteen in number, who, with no reward but the consciousness of doing good, have come with punctuality—some of them for fifteen years—and have faithfully taught from the living oracles of God's word. I am happy to express to them a weighty sense of personal obligation, and I know they have the hearty thanks of their classes.

17. *Michigan.*

In passing from the state prison of Massachusetts to that of Michigan, we have changed sky and climate completely. The whole tone of thought, feeling and action is different. The atmosphere becomes bracing and healthful. Birds sing, flowers bloom, and human affections breathe around us. Mr. Morris, the warden, has a large heart, full of expansive sympathies which, like those of Him who came to "seek and to save the lost," embrace, within their broad sweep, the

fallen, the outcast, the convict. Hear what he says of these ; hear what he does for them. Under the heading, " Rest in Prison," he pours forth these warm and sympathetic words ;

The end and reward of all toil is rest. Rest is not only delightful to every one, but it is needful,—needful to a beast, needful to a convict. When the glare and heat of a noonday sun stifles and wilts everybody, when the monotonous task drags heavily, when it is got through with heartlessly and only renewed by a painful effort, then are a few moments rest, with something to divert the mind, no matter what, if it be but an organ grinder, it is a needed blessing. A great many men outside busy themselves with work that worries the brain and wears upon the nervous system, but they find a chance to change their labor, they find some little time to rest in their daily round, after dinner or after tea. Not so with a convict. He has no Saturday afternoons, no rainy days, nothing but the bare, dry thought of dull, monotonous work, and his own bitter memories for months and years, till every sound and sight around him makes him nervous and irritable. Should we wonder that he sometimes becomes fractious, and breaks out in passion ? I regard it as a matter of economy in labor and discipline, that men in prison should have little breathing spells. For this reason, if for no other, we would not forget the holidays,—for this reason have I read to them once or twice a week, all sorts of well written articles, instructive or humorous. It is for the same reason that I have allowed every man that would do it, to have in his work-shop window a plant or a vine to care for, and through which he might catch a blink of the blue sky far away. It is for the sake of keeping alive the instincts of human care and love that little houses have been provided and placed on our higher buildings for the martins, swallows, and blue birds, those little visitors who never cease their chatter despite prison rules. It is a good thing for everybody to have some kindly occupation at times, something to call out our sympathy and hospitality. It is for the exercise of these human traits of care, benevolence, and affection for *something*, that a pair of grey hounds, a pair of deer, a pair of wild geese, a pair of wild turkeys, scores of rabbits, chickens, ducks, and doves have the freedom and hospitality of the yard. Many of the convicts have their favorite pets, and many of the pets have their favorite convicts. Everybody may not understand this as I do, but any person who does not has my sympathy.

Now see how a man of such kindly, all-embracing sympathy, has been able, by gentle, winning ways, without harshness or any rough exercise of authority, to break up and destroy a habit, which even the cultivated and well-principled outside of prison walls find it difficult and oft times impossible to overcome, even with all the helps to be summoned from philosophy and religion. The reference, in what is said above, is to the use of tobacco. It had been the custom to furnish weekly a certain ration of tobacco to all the prisoners who desired it, and the number who did not was small indeed. Mr. Morris thought this not only useless but hurtful, although it cost the state more than \$2,000 every year. After turning the matter over carefully in his own mind, he determined upon his course. One day, about two years ago, when the prisoners were all assembled, he made an address to them on the subject, and, at its conclusion,

offered to all who would voluntarily give up the use of tobacco, their choice of any one of six magazines which he named. He then requested any prisoners who would accept the proposition to manifest such acceptance by standing up in their places. To his equal surprise and joy, considerably more than half the number (there being then over 600 in the prison) instantly rose to their feet. The "total abstainers" from tobacco have been since continually increasing their force, till, in his report for 1873, now under review, he is able to make the following highly gratifying statement :

Our bill for this article has grown beautifully less, and we look upon its denial to prisoners as an experiment no longer, but a wise, sound and judicious measure of prison discipline. The idea that it is essential to the health of any man, and more especially to those who may have indulged in it for years, is one that I have but little respect for. After closely watching its effects for over two years, my conviction is only strengthened that it has no business in a prison, and, next to whiskey, I would prohibit it entirely. It has nothing to do with any man's health except to destroy it, as most certainly the health of many of our men has improved, and not one, to my knowledge, has ever been injured by losing it. Its footing will grow less and less every day that I stay here.

Mr. Morris has now been in charge for three years, and the change in the material and moral aspect of the prison has been conspicuous. Of this the undersigned had ocular proof, on the occasion of a visit of several days made to the prison last winter, in which he saw a great deal to commend, and very little to condemn, in the management of the prison. To Mr. Morris undoubtedly belongs much of the credit, but not all. He has been favored with an efficient coöperative board of inspectors, and has had an equally effective co-laborer in Gov. Bagley, one of the most large-hearted and enlightened of our chief magistrates. The inspectors do not in the least exaggerate either the warmth or the energy of his zeal in the following words, addressed to him in their report :

In devotion to this noble work, none have surpassed, if any have equalled, your Excellency. Your heart has ever been open to those in bonds, as bound with them. You have devoted more time and attention to the careful inspection and supervision of the prison than any of your predecessors, and the reform of its discipline, as well as the general success of the institution, are largely due to your wise counsel and valuable suggestions, made after repeated and thorough examinations of the prison and of the system of conducting it.

The inspectors also make the following pleasing statement, and express these sound views on prison discipline :

It is gratifying to be able to say that no very severe or unjust punishments have marked the administration of the prison discipline during the year. Prison officers

generally are apt to indulge in the free use of the rod ; it is easy for the officer, but hard for the convict, while a different method of treatment is more difficult for the officer, but far better for the prisoner. It requires no tact, no exertion of the mind, for the parent to cuff his child and tell him to sit down, but it does require exertion, patience and judgment to point out his errors, and improve him in such manner as shall best tend to his reform. This, we suppose, is the reason why prison officials are found applying the lash oftener than would seem at all necessary. It is the deliberate judgment of this board that constant supervision and repeated and careful inspection of prisons of all grades, with a thorough discussion of the principles of administration, are essential to the maintenance of these institutions in a healthy and good condition.

The report contains an exceedingly valuable set of statistical tables, which other heads of prisons might study with profit.

The report of the chaplain, Rev. Geo. H. Hickox, is admirable. I could wish there were space in these pages for the whole of it. He speaks thus of the secular instruction given under his supervision :

The prison school commences at eight and a half o'clock in the morning of each Lord's day, and closes one hour later. Men are admitted to this school on their own application ; and if all could be received who ask the privilege of attending, not less than three-fourths of the number committed would enjoy the privileges of secular or sacred instruction ; as many are received, however, as present helps and conveniences justify. There are now under instruction four classes in orthography and reading, four classes are instructed in rudimental arithmetic, one in writing, and four classes are studying the word of God ; and about one hundred men meet at the same place, and at the same time, for the writing of letters to persons outside ; for every man is now permitted to send out a letter—if his conduct is good—every four weeks during the term of commitment. The school is perfectly orderly, and it is interesting and successful. The average number assembling each Lord's day for the purpose of study or of writing is not far from two hundred and fifty men.

And thus of the religious instruction :

Religious services are regularly observed in the prison, each Sabbath morning, at ten o'clock ; and all the convicts are required to be in attendance then, if their health will permit. This service is pleasant and useful ; and it cannot be questioned that an encouraging number of conversions have been experienced during the past year. And it has been a pleasure to preach the gospel—the surest and the widest opening of prison doors—to those who are bound. One of the most memorable incidents in New Testament records was a work of divine grace in a prison ; and it must not be forgotten—nor doubted—that men, and crimes, and prisons, and the gospel of Christ are the same in themselves, and the same in their relations to each other, at the present time as in the days of Paul and Silas. The arm of God is not shortened that it cannot save the souls of men even in prisons.

On two of the sources of crime and the remedies to be applied, Mr. Hickox thus expresses himself :

The question of the sources of crime can not be thought out of place in the prison report ; but only two of these starting points will now be named—and these only

referred to, not argued in this report. Disobedience to parents and neglect of early and steady industry are the two points to which reference is made.

Insubordination and idleness are evidently primary sources of crime, and so long as present indifference to these root-vices shapes and tempers the action of parents and of the public mind, every common interest will suffer, and crime will brand with shame the victims of these insidious vices. It is almost puerile to ask, "how shall crime from these sources be prevented?" If the state, for its own relief, would reach this vicious *home* neglect, it must *compel* by law a regular attendance at the school where thorough discipline shall be intelligently, unwaveringly enforced; and for the second source of crime referred to—neglect of early and steady industry—the law should promptly and effectively punish all voluntary idleness *as a crime*.

Mr. Hickox makes the following suggestion, which is both important and practical, in reference to the coöperation of religious bodies in their organic capacity:

A further and direct aid in preventing crime ought to come from the various religious denominations. If, in their state or district meetings, those bodies would take up this subject and select one of their men to speak on "crimes, their sources, and their prevention"—or on some kindred theme of their own wording—they would show a working interest in this cause, and they would thus wake up the responsible portion of the people. It matters little in this direction whether election be of God or of men, or whether baptism be above or below the water, so long as open insubordination and vicious idleness are permitted to fit our children for destruction.

What ecclesiastical body will first take up and act upon this hint? In doing so there can be no doubt that it will be treading in the footsteps of the Nazarene.

18. *Minnesota.*

One or two paragraphs will be taken from the report of Mr. Jackman, warden of the state prison, as being of a general interest. He thus expresses himself on the subject of giving the convicts a share in their earnings and on the duty of the state to make suitable provision for them on their discharge:

Let me again call your attention to and solicit your coöperation in the passage of a law which shall give to the convict—as another great incentive to well doing—a portion of his earnings—say one-sixteenth, or one-eighth if you please. Most of these convicts are soon to go forth from prison and become citizens, and what is but a trifle to the state, at such a time, is much to them. Many a poor fellow has gone forth from prison with strong resolutions to do right, but has fallen for the want of a friendly hand or a few dollars. Nothing can be done for the establishment and elevation of manhood in these unfortunates without its beneficial results being felt in society.

I think it would be wise for the coming legislature to establish by law a commissioner, whose duty it shall be to look after discharged prisoners, and secure them places of employment according to their capacity. When the world learns and realizes three objects in view in the imprisonment of criminals—to wit: punishment,

public safety, and, last but not least, the benefit and reformation of the convict—our prisons will be better and more easily managed. Hope of reward is a ten-fold more powerful stimulus to good action than fear of punishment.

The inspectors express their approval of the above suggestions and add the following of their own motion :

We call attention to the valuable suggestions made by the warden of this institution in regard to the compensation, to some extent, to the convicts for a portion of their labor. The law allows a certain amount of *good time* to convicts for good behavior which shall be counted in diminution of their term of sentence. This has a most beneficial effect in maintaining good order, but it will be seen that *life convicts* cannot avail themselves of this provision. What we would recommend is, that a strict account of the good time earned by life convicts be kept, and that such convicts be paid for each day's good time he has earned the same wages that the state receives for his labor. This sum could be sent to the convict's family or allowed to accumulate, and in the event of his pardon would afford him means to commence life anew, and would be a great incentive to good conduct while in prison.

These institutions should be reformatory as well as penal ; something should be done to keep hope and self-respect alive in every heart. Let the convict feel that he is still able to do something for his family or himself, and you help him to be a better man.

All these suggestions are in the direction of humanity, and they show a steady progress in the public mind toward a more enlightened and Christian treatment of criminals, with a view to their reformation and their return to society with a changed mind, purpose, and habit of life.

The Rev. Mr. Johnstone, one of the pastors of Stillwater, officiates as chaplain. He makes the proffer of additional service as secular teacher to the convicts for a half day each week :

If a half day were allowed them during the week to meet in the chapel and receive secular instruction, I would gladly superintend their studies, and give them familiar lectures on useful topics. I call your attention to this, and hope you can perfect such an arrangement. It would be a first step toward increasing the efficiency of the chaplain.

It is to be hoped that so generous an offer was promptly accepted. Mr. Johnstone, however, adds the following additional suggestion, which seems as wise as it is disinterested :

But I must reiterate what has been said before by other chaplains in regard to the importance of securing some one to fill this position who can give the whole of his time to the work. To cultivate the personal acquaintance of each of the prisoners, with a view to his mental and moral improvement, requires an amount of time which no pastor of a church can spare. I hope the time is not far distant when the state will give an adequate support to a suitable incumbent who can devote himself wholly to the work.

19. *Mississippi.*

The anticipations in regard to the state prison of Mississippi, expressed by General Eggleston in the report submitted by him to the Baltimore Congress last year, appear not to have been realized. The legislature did not, as it seems, see its way clear to make the appropriation needed to put up the additional cell-house and workshops, so that all the prisoners might, as was desired, be worked within the prison walls. Hence, the embarrassments previously existing, both as regards the system of labor and the adoption of a reformatory discipline, have continued and even augmented, with the increasing number of inmates. The leasing system continues, but under a modified form. Up to 1873, the entire prison, with the whole body of convicts, had been leased to a company who had, or claimed to have, complete control. In a debate on a resolution submitted to the Baltimore Congress by the business committee, which condemned any system of leasing or contracting the labor of a prison, which did not place in the hands of the authorities the entire control of the prisoners, both as to their hours of work and their treatment, General Eggleston, at that time president of the board of inspectors of the state prison of Mississippi, said in a speech made by him on the question :

The leasing system prevails in my state, but it works badly. We find ourselves imposed upon by the lessees. The men are overworked. There is constant friction between the state authorities and the lessees. The authorities insist that the men shall have wholesome and sufficient rations, and be suitably clad, kindly treated, and not overtasked. The lessees complain that such interference curtails their profits, and will compel them to surrender their contract. I think that when our new prison building is completed and we have room for all our convicts to work within the prison premises, the system will be definitively abandoned.

What is here foreshadowed must have taken place before the general returned, for during that very month the lessees did surrender their lease ; and since then about one-half of the prisoners have been hired out to different persons and firms engaged in the construction of railroads, upon a mongrel plan, a sort of cross between the leasing and the contract systems. Both the board of inspectors and the warden, Mr. C. W. Loomis, who seems to be an excellent man and officer, continue to oppose the system, whether under the old or the new form.

Mr. Loomis expresses his views on this question in the following language :

The system of leasing convicts is, in my opinion, detrimental to the public interest. Granting the lessees to be actuated by just and humane motives, yet, when it is considered that they pay stated sums for the labor of the convict, they will tax the convict to his utmost capacity. The sentence of the court condemns the convict to hard labor; but such sentence does not import or imply that the prisoner is to be exposed to the burning rays of the sun, the drenching rains, or the piercing winds of winter. Humanity will, I hope, influence the committee to be appointed by the next legislature to investigate the affairs and the condition of this institution, to take such active measures and report in such manner as will induce the legislative body to make an appropriation sufficient to remedy the evil complained of.

The inspectors, though in briefer terms, express the same opinion. After explaining the absolute necessity of hiring a large proportion of the prisoners to parties who would take them off the premises because of a lack of accommodations for them within equally absolute, they add:

Nevertheless, we do not advocate the system of leasing out convicts. To us it appears to be in conflict with the spirit of the law providing for the punishment of evil doers.

The authorities are manifestly sincere in their convictions and their endeavors; and it is to be hoped that the legislature, when it again assembles, will meet them in the same spirit, and will feel justified in making the necessary appropriation to carry out their plans.

20. *Missouri.*

In his message to the legislature, under date of January 1st, 1873, the first which he delivered after his elevation to the executive chair, Governor Woodson discussed the penitentiary question in a catholic spirit and with much ability. He pointed out the evils under which Missouri was suffering in regard of its penitentiary system, set forth the true aims of a right prison discipline, suggested what he believed would prove an adequate remedy for the evils and an adequate provision for the exigencies of the future, and urged upon the legislature an earnest study of the whole question and a courageous application of the means to attain the end in view. The legislature does not appear to have met his recommendations in the spirit in which they were offered. It made a retrograde rather than a forward movement. The administration of the state prison had been extravagant, not to say corrupt, to the last degree, making annual drafts upon the public fisc to the extent of tens of thousands of dollars. Searching investigation had revealed this state of things. The legislature stood aghast. A responsible firm of business men made an offer to lease the whole concern for a term of ten years,

with the obligation of meeting all expenses of whatever kind, without calling upon the state for a dollar. The legislature saw deliverance in this offer and closed the bargain. So that Missouri has now gone back to a system—that known as the “leasing system”—which she had renounced and repudiated twelve or fifteen years before. No report has been published for 1873; and no answers have been received to circulars addressed to the prison authorities for statistical and other information. I visited the penitentiary in the month of January and made the acquaintance of all three of the lessees. Personally, they impressed me favorably, though they know well what my views are of the *system* on which they are conducting the institution. I had long talks with them all, and they expressed their determination to conduct the prison on the coöperative plan, giving the convicts a handsome share in their earnings, affording them ample facilities of education, feeding and clothing them comfortably, providing well for them in sickness, seeking to return them to society radically reformed in character, and, in short, discharging, kindly and faithfully, all the duties which their mutual relations as guardians and wards imposed upon the one party towards the other. I earnestly hope that these pledges may be fulfilled. Time will show.

21. *Nebraska.*

This state publishes reports only biennially. The last issued is for 1871 and 1872; consequently that for 1873, the year now under review, has not yet made its appearance. The report for 1872, made by warden Campbell (since deceased), contains little information of general interest. The following sentences are taken from the report of the board of inspectors:

Incentives to good conduct are: Diminution of sentence, kindness, and appeals to manhood and benevolence.

The food of the convicts is plain, but of good quality and wholesome. A good supply of vegetables are grown annually on the prison grounds, of which the convicts get a very liberal supply. Their sanitary condition has consequently been good.

During the past year, both instrumental and vocal music, together with an evening school and a Bible class on Sunday, have been introduced and established in the prison, in all of which the prisoners take a very lively interest, and are very much improved thereby.

In his annual message, Gov. James makes the following statements:

I feel constrained, in this connection, to commend the humane and reformatory measures adopted by warden Campbell in the management of the convicts under his charge. The object of prisons in civilized communities is the protection of society

against the crimes of malefactors, either by depriving them of their liberty or by their reformation; and prison discipline, under civilized law, should be removed, as far as possible, from all ideas of a vindictive punishment of those who may become the subjects for the operation of criminal justice. This view has been carried out in the management of the state convicts, and has resulted most satisfactorily.

The report of the inspectors of the state prison, which will be laid before you at an early day, shows that their efforts in advancing the interests of this institution have been attended with success, and much progress has been made in the construction of the new buildings. The insufficient facilities for utilizing the labor of convicts, which have heretofore existed, in consequence of the incomplete and unsuitable condition of the work-shops for labor in inclement weather, have very materially detracted from the amounts which would have been received from this source of revenue. As the work on the new building advances, many difficulties and expenses are removed, while increased facilities for applying the labor of convicts are added, and good grounds exist for the hope that, in the future, a much larger proportion of the expenses of this institution will be met from the proceeds of convict labor than heretofore.

In filling up blank statistical formularies sent to him, the warden, Mr. Woodhurst, under the heading "General remarks," says:

My method of dealing with prisoners is firmness, combined with humane treatment in its fullest sense. An appeal to the manhood of a prisoner seldom or never fails to effect the desired result. It is remarkable, in the case of this prison, that where all are kept together in one apartment, punishment is nearly unknown, on account of the good conduct of the inmates. The officers are all humane in their dealings, and they work together for the reformation and moral improvement of the prisoners.

22. *Nevada.*

In reply to a letter, asking copies of the report on the state prison for last year, the undersigned received from the warden, Mr. Hyman, the following communication:

In regard to the reports of this prison, I regret to say that there has been none printed for a number of years. I have been in charge of the prison about a year, and heretofore there have been but very few records of any kind kept. The reports will be printed hereafter biennially, and you will be furnished with copies.

The greater part of the prisoners have been employed during the year in building walls, shops, etc. The manufacture of boots and shoes was commenced only at the latter part of the year, and was not much more than fairly under way at its close.

I have succeeded in establishing a very strict discipline, with the most gratifying results. No officer or employé is allowed to speak to a convict, except on matters pertaining to the prison work. The lieutenant of the guard is overseer of the yard, and remains with the men while they are at work. No convict is allowed to leave his place of work, unless the lieutenant notifies the guard stationed at that post that he has given him permission to do so. Convicts are not allowed to speak to visitors, nor to gaze at them; but they are permitted to talk quietly amongst themselves. They are allowed to draw books from the library once a week and to receive periodicals sent by friends, but no newspapers.

The fare of the prisoners is substantial and unlimited. They have meat twice a day, potatoes once a day, and mush and molasses for supper. They have coffee for

breakfast, and tea for supper, with bread *ad libitum* at each meal. They have beans twice a week, and corned beef and cabbage once a week. The prisoners are healthy and well behaved.

In his annual message, Governor Bradley makes the following statements and suggestions :

The site of the prison was an unfortunate selection. The building itself lacks the necessary size and strength. The number of trades which may be taught to the prisoners, in order to reclaim them from a life of vicious idleness and render their industry productive to the state is very limited. Many of the convicts are now employed in stone cutting, others in shoe making, while many more are altogether unemployed.

In view of the necessity for an asylum for the insane, it may be suggested that with trifling alterations the prison building would serve that purpose. A location on the Truckee river should be selected for the new prison. A site should be chosen convenient to timber and water power, where the labor of the convicts might be utilized in the erection of the building, as well as in subsequent tasks. The removal of the prison and the adaptation of the old building to its new purpose may be accomplished with economy and convenience. It will subserve the best interests of the state that these measures be initiated without delay. The number of convicts is increasing so rapidly that additional accommodations will be shortly needed.

The sum of five thousand dollars was expended in the payment of rewards for the recapture of prisoners who escaped in the outbreak of September 17th, 1871. This expense was exceptional. The increased vigilance and larger number of guards at present employed will prevent the possibility of such an occurrence in the future.

23. *New Hampshire.*

The warden, Mr. John C. Pilsbury, suggests the early erection of a new prison on a different site, and gives very cogent reasons therefor, as follows :

The poor condition of the main building, to say nothing of its great inconvenience, and the roof of the north wing is in a bad, leaky condition, notwithstanding frequent repairs. The cells are very small and uncomfortable, and I consider it a plain fact that the present situation is in too close proximity to the heart of the city, occupying much valuable ground that would be eagerly sought for dwellings, and having for some time been called "a nuisance to the neighborhood." It will take some years to complete a new one. By selecting a site and beginning now, with the one now occupied earning a fair sum every year, there would be a handsome amount towards repaying the state. I consider, as the committee reported last year, that any considerable amount expended in repairs is so much loss.

From some personal knowledge of this prison and its needs, the undersigned heartily indorses the above suggestion.

Mr. Pilsbury thus speaks of the attention given to religious instruction :

Last fall it was deemed best to dispense with our Sabbath-school on Sunday afternoon, and have a regular service the same as in the morning. This change was made because some of the old teachers were unable to continue, also on account of the diffi-

culty experienced in getting those who could be constant in their attendance, and from a firm conviction that more good would be done in the present manner. Some of the old teachers attend our Sunday afternoon and Wednesday evening meetings, and frequently give the men a word of good advice and encouragement. The chaplain has been constant in his attendance upon the men, and his good counsels have been of much service to me. In the report of the chaplain you will find a statement of the condition of our library and other matters under his care.

Chaplain Smith gives the following account of his labors and their results :

The past year has been one of more than ordinary success in this department of the institution. The Sabbath services have been continued much as heretofore, viz. : Preaching at 9 A. M., and Sabbath school at 3.45 P. M. ; at 10 A. M., services in the hospital, and at 2 P. M. with the female convicts. At the last named we have singing, prayer, and lessons for the Bible class, led by the chaplain's wife, who also reads a selected sermon. These meetings are often attended by the warden's wife, and her Christian kindness and great sympathy have an excellent influence on the female convicts. The average attendance of the male prisoners on the Sabbath school during the spring, summer and autumn was fifty-one, an increase over any former year in proportion to the number of convicts. On the setting in of the cold season, for reasons quite satisfactory to the chaplain the warden substituted for the Sabbath school a sermon on such topics as would be considered in our Sabbath school studies. Discourses have been delivered on the historical, biographical and geographical parts of the Bible, also on miracles, prophecies, and ten commandments, giving a practical bearing to all those themes. The result has fully justified the measure. It is believed that much profit has been derived from these discourses.

Our prayer meeting held on each Wednesday evening has increased in interest. A considerable number of the convicts lead in prayer, and it is quite gratifying that a class of men whose religious advantages have been so limited, should manifest in their language and spirit so clear a knowledge of divine things, so much of penitence, and such an appreciation of the love of Jesus for guilty men. Throughout the year there has been a marked seriousness of deportment, and a contentedness beyond what I have ever witnessed in other years. I have persistently labored in private conversation with the men to persuade them to commence at once to pray to God morning and evening for his blessing, and to make it a life-work. I think a considerable proportion of them do this, and not a few are trusting in the sinner's Friend. I know that many think lightly of what they sneeringly call *state prison religion*. Most of these, however, hold all professors of religion in equal contempt. But how can any one who knows the love of Jesus, doubt that such love penetrates prison walls, and brings salvation to the "chief of sinners." Is the chaplain mistaken when he declares to his poor hearers "there is hope for you ;" or is it in vain that the poor convict smites upon his breast and prays, "God be merciful to me a sinner?" While he thus prays may it not be that God blesses, and some fashionable professor standing afar off and thanking God as one of old, "I am not as these," may one day come to learn that Jesus came not to call the righteous, but sinners, to repentance. In all my intercourse with the convicts I have not only been allowed entire freedom to labor when and as I chose, but the warden often supplements my exhortations by a feeling and urgent appeal to the men to profit by the means enjoyed by them, and in a true Christian spirit seeks the spiritual good of the convicts.

In furnishing statistics under "General Remarks," Mr. Pilsbury, with great good sense and truth, says :

I will just say a word on prison reform. If good is *really* desired, it is my opinion that *the fountain head* should be reached first, and not try to stop or dam a river at its outlet. The "moral" of this is : Take care of the *boys and girls* ; do not wait till they get to be men and women and get into prison, before they receive attention.

Mr. Smith states that the prison has a library of 1,500 volumes, adding :

The books are generally read by most of the convicts with great avidity and profit. Of those committed the past year, five were unable to read. Three of the number can now read quite well, and the others are improving. All of those previously committed can read, and an unusual proportion have a fair common school education.

There is a "register of convicts" in this report, which it is earnestly hoped will, for reasons previously given, be discontinued in future reports.

24. *New Jersey.*

The report of the state prison of New Jersey for 1873 contains little of general interest beyond what will be found in the statistical tables, which will form a part of the present report.

There is some uncertainty as regards the relative powers of the authorities in charge of this prison. These authorities consist of a board of inspectors, a supervisor, and a keeper, or, as the same officer is called in other state prisons, warden. The inspectors speak of a "*board of supervisors*," but there is found in the document under review only the report of *a supervisor*, Colonel William R. Murphy, who appears to be an admirable officer. What his exact duties are does not clearly appear ; but they seem to have respect chiefly to the management of the labor and finances of the establishment. These have been in a more healthy condition ever since Colonel Murphy, five years ago, became connected with the prison. He does not appear to favor the contract system of prison labor, but rather the reverse. After having stated a certain fact, he adds :

This involves the necessity of providing some other means of employing the convicts after the first of May ensuing, and adds another item to the list of evils incident to the plan of farming out the labor of prison convicts. It is true the law does not make "the contract system" imperative, but it does not provide any other mode of making the labor of prisoners available. I respectfully ask for this subject the consideration of the legislature.

Chaplain Warner thus speaks of the importance of early care and culture, and especially of the religious training of the young as preventive of crime :

My chief efforts have been with the younger part of the inmates, particularly with those who have had the benefit of early religious instruction ; such, in most instances.

are easily moved to tears ; those who have grown up without moral restraint seem to be immovable ; no impression, apparently, is made upon their minds. I am more and more convinced of the importance of early religious training, and, under such conviction, would urge upon parents, guardians, Sabbath school teachers and pastors, the great duty of "training up a child in the way he should go ;" that with the Divine blessing they may prove to be blessings. We have many confirmations in this institution of the fact that "a child left to himself bringeth his mother shame."

The ignorance of the gospel manifested by many of the prisoners shows the great need that godly men, as bible readers and lay preachers, should go from house to house and instruct the people in the first principles of the Christian religion ; there is much missionary ground in our state ; almost in every neighborhood.

25. *New York.*

There are three state prisons in New York, or four if the female prison at Sing Sing be counted as a distinct penal establishment. For some reason—the undersigned knows not what—the report of the board of prison inspectors for 1873 has not been published. Therefore, for what information I shall be able to give concerning the condition and progress of things in the state prisons of New York, I shall be indebted to the report of the New York Prison Association for last year.

a. SING SING.

Of this prison Dr. Harris says :

Sing Sing prison contains 1,200 available cells, $3\frac{1}{2} \times 6\frac{1}{2} \times 6\frac{1}{2}$ feet, or 137 cubic feet to each cell. In this prison, the day previous to that in which we write this page, the total number of prisoners, male and female, was 1,498. This fact illustrates the crowding in the Sing Sing prison. The evils which attend such an aggregation of convicts, young and old, are enhanced enormously by the indolence and irregularity of employment of from 30 to 40 per cent. of the prisoners. The commingling of all ages, classes and kinds of criminals is witnessed in an extreme degree in this prison. Sing Sing is a vast school of crime ; the practised, the adroit, the professional and abandoned contrivers and leaders of crimes against property and against morality and peace are so numerous, so active and so consciously proud in the ignoble leadership and prowess of criminal life, that they have a destructive influence upon a great number of younger and less hardened convicts.

The number of convicts admitted to this prison during the year amounted to 813. From this vast number, Auburn prison received during the year, 400, by transfer, and the prison at Dannemora received 86. The peculiar relations that Sing Sing has to the reception, commingling and subsequent distribution of convicts are pernicious in a high degree. More than fifty per cent. of the convicts for felonies in the entire state are received into this prison. Few, if any, who enter can fail to be harmfully influenced by the hardened criminals whom they meet there ; the vast congregation that permanently remains at this prison becomes thoroughly informed, day by day and month by month, concerning the movement and distribution of the convict classes, and thus the state is practically maintaining most pernicious facilities for the effectual organization of criminal classes. This feature of Sing Sing as the prison which is the rendezvous for distribution of a great proportion of the felon convicts, and particularly of those who most need to be restrained from the presence and

knowledge of habitual criminals, is, perhaps, the very worst feature of it, and it renders important every question respecting the prison structures, cellular and industrial classification, the industries themselves, and the discipline of the establishment.

Under the truly paternal and benign personal influence of the present agent and warden, Gaylord B. Hubbell, Esq., the individual prisoners have whatever benefit such a philanthropic mind can impart. But that officer has no power over the *evil system* itself, nor over the ever-increasing influx of prisoners. It seems to be considered impracticable in that vast assemblage of convicts to classify and separate the various grades and groups of criminals, or even to give special treatment and moral seclusion to the youthful and first term prisoners. As originally constructed and organized to be conducted upon the congregate plan, this prison continues to be the common receptacle for the criminals of the city and the southern district of New York, and now, from the conditions attendant on overcrowding, has ceased to be administered upon the silent system. The personal familiarity of the inmates of the prison as well as the predominant influence and leadership of the great numbers of habitual criminals here gives to it the most unfortunate character of a criminals' training school for the reception and distribution of newly convicted prisoners, for it is from this prison that convicts from the metropolitan counties are distributed to the two other state prisons.

Had the congregate system of penal treatment in our state been restricted to the two other prisons and to the quarries and limekilns of this one, the organized number and strength of the criminal class might have been less than they now are, and the problem of wholesome discipline, classification and distribution would be brought within the possibility of a proper solution. But now the prison at Sing Sing is the open gateway to ruin, the open door to the widest introduction to the crime class. Against the destructive power of this evil the labors of the warden, the efforts of the chaplain, the rules and regulations of the state prison inspectors, and the yearly amendments of statutes, which do not revolutionize and reverse the fatal system itself, will continue to prove unavailing.

Regarding Sing Sing prison as the type of the existing penitentiary system in the state, and the strong citadel of the evils and fallacies of this system, it deserves the most vigilant and unsparing inspection and study by the friends of prison reform. But while under such inspection and the most fearless criticism by the state officials charged with its care, by this association, and by the public generally, the humane and untiring efforts of faithful officers of the prison merit the gratitude of their fellow citizens. By those efforts many a convict is restrained from yielding to the flood of evil influences.

b. AUBURN.

Dr. Harris gives an interesting history of the Auburn prison from its commencement in 1816 to the present time ; but it does not suit the purposes of the present paper to offer any extracts from his outline. Only the following citation is made from a letter addressed to the Doctor by the warden of the prison, Mr. L. E. Carpenter :

* * * * * I cannot let this opportunity pass without making a suggestion that I believe to be the *ground work* of moral improvement to criminals, and which consists in giving both physical and intellectual protection to the well-disposed. No person possessing any of the finer feelings of humanity could possibly occupy the position I have had the honor to fill during the past year without forming views of his own relative to the reform of criminals.

Classification is without doubt the first move toward effecting this object, while this

of itself is the very thing we are the least prepared to do with the present constructions of our penal institutions. Solitary cells for the incorrigible desperadoes should be provided for each prison in the state. With us (as is doubtless the case with the other prisons) an appropriation would be required for the erection of a suitable building, disconnected from all others, expressly for this purpose.

This part of classification would do much more for the improvement of discipline than moral amendment, still it is the first important step toward the latter, which your noble association are so ardently and zealously striving to effect.

C. CLINTON.

The following statements are cited from the account given by Dr. Harris of the prison at Dannemora, in Clinton county :

This prison has, from its first organization, been an important and instructive experiment in our system of state prisons. As a penitentiary upon the congregate plan, without that degree of enforced silence which characterized the other prisons in this state, the results of its discipline and industries upon the moral and physical condition of the prisoners compare more favorably with the experience of the other prisons than the advocates of the vigorously silent system would readily believe.

The special peculiarities of the industries of this prison: mining, breaking, roasting, forging and rolling of the magnetic iron of the mountain and the manufacture of nails, give to the convicts many of the mental and physical advantages of free life. In the midst of these intense toils there unquestionably is less indulgence in criminal conversation, criminal thought and morbid mental brooding than in the ordinary shop industries of the lighter trades.

The severe demands upon muscular strength and the endurance of bodily exertion must be regarded as a favorable characteristic of the industries of this penitentiary.

The evils which a few convicts may suffer in consequence of their physical incapacity are obvious, and these are kindly mitigated by the discretion of the warden and the physician of the prison.

The secluded locality, the healthful altitude (1700 feet above the sea, and between 1300 and 1400 feet above lake Champlain), the absence of outside annoyances, and the business-like discipline of this prison, are advantages which the other prisons do not enjoy. They more than counterbalance the unfavorable influence which such seclusion and loneliness of situation may exert upon a limited number of the convicts. The salubrity, sublimity of scenery, and remarkable extent and beauty of the outlook of the prison grounds afford moral as well as physical advantages to the prisoners at Clinton.

The manufacture of iron from the ore that is mined upon the prison premises, and the making of a greater portion of it into cut-nails of all sizes, afford a large variety of occupations. The ductile and tenacious quality of the iron from the veins that extend under the prison grounds originally determined the establishment of nail manufacturing as a leading branch of the prison industries. Fortunately the nature of the work in manufacturing nails by ingeniously contrived machinery, requiring nice and agreeable *attention* of the workmen, has proved to be an excellent kind of disciplinary labor. The present warden informs us that the *best disciplinary* result (in the sense of orderly and obedient conduct of the convicts) is experienced in this branch of labor. But the largest pecuniary profits of convict labor are found in the manufacture of the ore into the crude "blooms" and "bars" of iron that are made for shipment to distant places for further manufacture.

As the ore from these veins of the prison bed are not as rich in metallic iron as those of the beds to the southward, the process of roasting and separating are necessary, and these labors are particularly important as branches of the prison industries.

The large proportion of professional or obdurate criminals, and an extremely large percentage of life-sentenced convicts in Clinton prison, necessarily impart some peculiarities to the moral and disciplinary state of the prisoners. There are twenty-eight life-prisoners (five per cent. of the whole number), and 271 (twelve per cent.)* of criminal *recidivists*, or old revolving convicts, now in this prison. Yet, notwithstanding these less favorable aspects of the average hopefulness of the prisoners, the actual results of efforts to guide discharged convicts to useful employment and an honest course of life have been quite as satisfactory the past year and a half as at either of the other prisons. General Moffitt, the present warden, and Hon. Mr. Platt, the inspector of prisons, who has given a great amount of personal attention to these prisoners before and after liberation, testify that the rude branches of the great iron industry of the prison open good facilities for obtaining employment for the discharged prisoners.

Mr. Platt, one of the official inspectors of prisons for New York, suggests the establishment of an intermediate prison for Clinton, in these terms :

* * * It has occurred to me, that if the prison had an intermediate place, * * where the convict could be placed to work the last year or two preparatory to his going out into the world, he could be restored to self-respect and saved from temptation. The great difficulty with which we have to contend is to inspire confidence in the community, so that the discharged convict can receive immediate employment. This, I think, may be accomplished by placing the convict where, by meritorious conduct, he could be relieved of his prison dress, and the last six months appear in citizen's attire ; this, I apprehend, would restore him to self-respect, and prepare him to better meet the duties and responsibilities of free manhood. It gives me pleasure to say that the Clinton prison, so far as my observation has extended, has improved in its moral aspect during the last year, and I believe the warden and officers, generally, are striving to second the efforts of the prison association. There has been no insubordination during the last year, and occasion for punishment seldom occurs. * * *

26. *North Carolina.*

The "report of the board of directors, architect, deputy warden, steward, and physician of the penitentiary of North Carolina," is a document of fifty-eight pages, mostly letter-press. That of the directors alone fills nearly half the pamphlet. No one, I think, can read the whole document without being impressed with the integrity, earnestness, devotion, and general ability of the administration. With such a body of men in permanent charge of the state prison, the future of North Carolina, as regards this branch of the public service, is assured. I would be glad to quote copiously from this report, but a few brief citations must suffice.

In the following paragraph, the deputy warden, who is at the head of the prison (there being no warden at the moment), writing under

*There is evidently an error here. The number 271, stated as recidivists, is not twelve per cent. of the whole number—584—but within a fraction of fifty per cent., which, however, seems an incredibly large proportion.

date of November, 1873, eight months after he assumed anew the reins of power, thus describes the condition in which he found things and the changes which had been effected :

Having been reelected deputy warden, on the 6th day of March, 1873, I at once assumed the duties of the place. The police of the institution had run down very much, and it has been necessary to bestow an unusual amount of labor, in order to restore the prison to its status for order and cleanliness. The cells, and even the quarters for the overseer and guards, were in a wretched condition, and recourse was had to water, soap, lime and corrosive sublimate, in order to cleanse them, and remove a class of intrusive vermin, not to be mentioned before ears polite. The prisoners were destitute of proper clothing, and their covering was filthy rags, and their persons were infested with hosts of parasitic vermin. Every one had to be subjected to thorough and repeated ablutions in order to cleanse them, and all to be re-clothed with whole and clean garments. The labor has been immense, but the entire establishment is now in as good condition as its structure will permit, and the condition of the inmates is comfortable. On my assumption of the place, it became a matter of supreme importance, in the management of the prison, to secure the services of overseers that were steady, qualified men, and of guards that would aid in restoring discipline, and not destroy it. With this purpose, great care has been taken in filling the vacancies that have occurred, and the institution is well manned in all its departments.

This officer's efficiency is strongly attested by the directors in the following sentences :

In the present state of the prison all is done that is possible by the deputy warden to make the condition of the convicts not only endurable but comfortable, and they are provided with all the means of cleanliness and warmth. His presence does not endure filth and discomfort. The cells are at short intervals subjected to thorough renovation under his inspection. Vermin seemed instinctively to know that he had come about again, and fled at his approach. His work was herculean, but he has triumphed.

The present accommodations consist of a cluster of mere shells, eighteen feet square, into which the prisoners are crowded to the number of twelve each, where there are only 216 cubic feet of air to each prisoner. Larger and handsomer permanent structures are in process of construction. The directors, in their report, address to the legislature an urgent appeal, backed by strong arguments, to furnish them the means for a vigorous prosecution and speedy completion of the work. Among other considerations pressed upon the law-makers, this alone ought to be sufficient :

In the present condition of the prison no system can be introduced into its discipline; the prisoners cannot be classified so as to secure any moral benefits to them from the character of their associates; neither can the thorough contamination of the young and comparatively innocent, by the most desperate and vile, be avoided. As now conditioned, the penitentiary is only a nursery of future criminals, a school in which the unpractised novice is placed under the vicious tuition of the most aban-

done and criminal. All this should be ended with the utmost possible haste. It not only absolutely prevents the enforcement of reformatory discipline, but it also enables the felons to concert all manner of plans for outbreaks and escapes.

The following statements and suggestions touching the youthful age of the majority of convicts, the want of a regular calling as an occasion of crime, the necessity of imparting the knowledge of a trade during their incarceration, and, to this end, the equal necessity of multiplying the number of trades to be practised and taught in prison, are timely and important :

It will be seen, by reference to the tables that are appended to the deputy warden's report, that, of the 533 convicts in the penitentiary during the year, 126 were under 20 years of age, and that 164 were between 20 and 25 ; making a total of 280 under 25 years of age. Of the whole number in prison, only 39 had been trained in the knowledge of a trade, while all the others were dependent on chance employment as laborers for the means of living.

It is from this class of persons that the convicts in our prisons usually come. In 1868, out of 253 prisoners admitted to the Eastern penitentiary of Pennsylvania, only 17 had perfected a trade. There can be no doubt that good trades, in which steady, remunerative employment can be had, will greatly lessen the number of criminals ; especially such as are committed for crimes against property. For the younger portion of the convicts of this character, there should be some provision made that would better their condition when discharged. It is the persuasion of the directors that much could still be effected for them by the prompt organization of such labor in the penitentiary as includes the largest number of trades possible. At the present time only shoe-making, stone-cutting, and smithing, the latter to but a limited extent, are carried on in the prison. These will not allow the number to be employed on them that the welfare of the convicts requires. The tin-shop should be enlarged ; the making of furniture, chairs, agricultural implements, etc., etc., should also be added to them. This would enable the officers of the prison to put all the convicts under twenty-five years of age upon one or the other of these several occupations. Why should not the general assembly, which is properly the guardian of all the criminal as well as the unfortunate classes of the state, enact that, on the conviction of any one under the age of twenty-five years whom the law punishes in the penitentiary, that he be sentenced to *learn a trade*, if he has none—such as, in the judgment of the prison officers, he has an aptitude for ? In all such cases the sentence of the judge should be of sufficient duration to insure time in which to perfect a trade.

The board go on to speak, in excellent terms, of the value of rewards in prison management as an incitement to industry and good conduct, the duty of the state to its liberated prisoners, and the necessity of providing the means of instruction, both scholastic and religious ; but space is wanting for citation.

27. Oregon.

Prison discipline is evidently making progress in this state of the setting sun. The following remarks of superintendent Watkins on the subject of " Discipline " are suggestive :

In relation to discipline, I have assumed that the largest liberty, consistent with safety in prison life, is most conducive to good order and cheerful obedience. For the past eight months I have tried the experiment of allowing the men, on certain public days, or after their "task" or day's work was done, an opportunity of playing in the yard, or conversing together with perfect freedom, as their inclinations may lead them. This has been attended with the most happy results. Not in a single instance has this liberty been abused; but, on the contrary, has produced a marked change for the better, in a more cheerful obedience to rules and prompt performance of labor—as, also, a more manly bearing; thus proving, conclusively, that to make men of the material confined in prison, they must be treated as men.

Kind words and good deeds are not lost upon prisoners. Your Excellency, eighteen months ago, forbade any corporal punishment to be inflicted on prisoners. I have the satisfaction of reporting the good working of this order, and think I can say that, notwithstanding we have some of the most troublesome and dangerous men the institution has ever known, the rules and regulations have never been better obeyed, nor the discipline more perfect than at present. A specially gratifying fact to the superintendent is the belief that the course pursued is the correct one, and the advantages undeniable. I am aware that there are persons whose general good judgment cannot be questioned, who nevertheless believe that kindness is thrown away upon convicts, and that a free use of the lash is the only way to subdue them and maintain a proper discipline. I have never known an instance where I thought a prisoner was made a better man by whipping. Nor have I ever seen a prisoner, no matter how low and degraded, how hardened or steeped in crime, but had a spot in his heart that could be reached with proper management.

On the kind of men suited to the work of prison officers, and their qualifications for, and bearing in, that position, Mr. Watkins offers these just remarks :

The general success of prison discipline depends, in great measure, upon the officers having the immediate charge of the prisoners, and too much care cannot be observed in their selection. It is a prevailing idea that almost any man, strong, muscular and rough, no matter what is the character of his address, will do for a prison officer. This is a mistake. These men are governed more by brain force than muscle. The officer who is even-tempered, firm, and straightforward in his intercourse with them, who knows something of human nature, who, in short, is a gentleman and never forgets it, will manage the men without trouble. A convict, however ignorant and desperate, will quickly understand and appreciate such qualifications in an officer, and will become "like clay in the hands of the potter." On the other hand, if the officer is rough or vacillating in his intercourse with him, he may expect nothing but trouble and vexation.

An evening school has been established in the prison, of which the superintendent says :

It was discovered early in the present administration, that quite a number of the prisoners could not read or write, mostly young men, as also others who were capable of teaching. Books, paper, slates, etc., were furnished, and an evening school, for the instruction of those who desired to attend, was opened. The school has prospered finely, and many who could not read a word, or write their names, have left the prison able to read with ease, and to write a legible hand. These school exercises also tend to perfect the discipline, since, when the prisoners are studying their books, they are not studying mischief.

In this connection it may be stated that, through the exertions of Dr. Fiske, a citizen of Salem, the foundation of a good prison library has been laid, which is much used and much enjoyed by the prisoners. The books have been eagerly sought by them, and have proved a means of rekindling the spark of manhood in many hearts, and of developing the minds of not a few into something above their former grade of life. Dr. Fiske has also secured the gratuitous services of several gentlemen—professors in the university and others—to give courses of instructive popular lectures on various topics, scientific and literary, on Tuesday evening of each week, during the long evenings* of the rainy season. Many of these lectures are illustrated by experiments, drawings, specimens from natural history, etc., etc. They are made an instrument of discipline, a means of good inspirations, an incentive to the prompt and cheerful performance of duty, in that none are permitted to attend them except those who bring cards of admission from the proper officers.

Concerning a Bible class and Sabbath school, also instituted by Dr. Fiske, who is aided in this good work by a corps of volunteer helpers, the superintendent uses this language :

The Sabbath school is also another feature recently adopted, and is greatly enjoyed by all who attend, and the influence of the officers is used to have as many prisoners as will take an interest in it attend. The success of the school is largely due to the punctuality and manifestly increasing love the teachers show for their work. Providence will certainly bless them for their love to those unfortunates.

Dr. Fiske says :

Nearly every prisoner here has read the Bible through this year, and some there are among the number that have never read, never even seen it before. The teaching I have endeavored to make as plain and practical as possible ; and from the questions asked and replies elicited, I believe that several are interested in seeking the truth ; and that all have a fuller and better idea of their moral responsibility.

Gov. Grover bears this testimony to the work done in the prison :

There has been a marked improvement in the control of this institution. More than double the relative amount of labor has been done than ever before, while expenses have been reduced. The discipline, health and moral conduct of the prisoners have been improved, and the whole prison has been managed in a manner to reflect credit upon the superintendent and upon the state. A progressive system of improved discipline is entered upon. A library is provided by the liberality of the citizens of Salem ; instruction is given to those who are uneducated ; and an earnest effort is being made to make the prison a school of reformation as well as a place of punishment for crime.

In the religious services which are held regularly at the penitentiary, several of the clergy, resident at the capital, have manifested great interest and freely devoted much time and labor to assist and instruct the unfortunate inmates.

28. *Ohio.*

The "Annual Report of the Directors and Warden of the Ohio Penitentiary for the year 1873" is an exceedingly interesting and instructive document. The financial results of the last seven years, during five of which the wardenship has been held by Colonel Raymond Burr, have been as remarkable as, to the authorities in charge, they must have been gratifying. The aggregate income for those years, over and above all expenditures (including the administration), has been \$227,956.27, or an annual net gain of \$32,565.18. And what is not a little remarkable is, that this increase of financial prosperity has corresponded precisely with the period during which increased attention has been given to the employment of agencies having in view the moral regeneration of the convicts.

The directors, in their report, enter into an extended and able discussion of the general question of prison discipline. We cite a few paragraphs, regretting that our space will not allow us to transfer the entire paper to these pages.

We have often stated that the law of kindness was superseding the law of force; and that while discipline is an absolute necessity, it is not at all inconsistent with kindness, forbearance and Christian charity. On the contrary, these Christian virtues may be powerful agents in maintaining discipline under all circumstances. The soldiers under Havelock, in India, were remarkable for obedience and discipline, and that distinguished officer always exhibited his Christian character in all his official conduct. The confidence of his soldiers and inferior officers was enhanced by his eminent Christian virtues. Wherever discipline is required, whether it be in an army, a prison, or a school-room, Christian influence is one of the most powerful agents which can be employed. The most irresistible soldiers who ever scaled a fortress prepared for battle by engaging in religious exercises.

Evident as this seems to be, and although it is equally evident that the highest civilization is found where Christian influence is the strongest, that the greatest security for person and property is in Christian nations, that what we call morals is all derived from Christianity, and that moral feelings and influence are the only agencies which secure a voluntary and willing obedience to law and authority, still we are painfully aware that every attempt to give this agency any prominence in the management and control of convicts is met by incredulity and discouragement, and sometimes by positive opposition. We find a reason for this, when we reflect how difficult it is to correct habits of long standing, and that it is equally difficult to change an opinion which, though it may have been adopted without reflection, has been acted upon for a series of years. This is eminently true of opinions relating to the management of convicts. Force, and even cruelty, were the sole agents which were employed for so long a time that, in the minds of many, no other agency can be effectual. They regard a criminal as incapable of reformation, and every attempt at such a result as a waste of time and effort.

But that convicts can be improved and reformed, is too clear to be denied. There are too many instances, in different portions of the state, of persons who have left the penitentiary and become good citizens, to leave any ground for question or debate.

What there is in the nature of crime which should render the guilty party irreclaimable it would perhaps be difficult to suggest. Some crimes are caused by the want of education, some by a vicious education, some by vicious habits, some by cupidity, and some by passion. The causes are the same which produce dishonesty and fraud, that induce men to cheat and lie. The only difference is, that one class of persons is carried further by the same causes than another. If one class can be morally improved, the other can. No one doubts that moral influences tend to reclaim the vicious and dishonest. The midnight missions in London, the labors among operatives, the reclaimed drunkards and reformed gamblers, are standing memorials of well-directed moral and Christian influence. The same causes, when brought to bear on the unfortunate criminal, will produce the same results. All will not be reclaimed, but many can and will be.

We are beginning to learn that there are few who are so depraved as to be destitute of redeeming qualities; and that there are as few who are not made malicious and revengeful by cruelty and tyranny. These truths must enter into every act of discipline and become a part of it. Redeeming qualities must be cultivated, and while implicit obedience is required, cruelty and tyranny must be avoided. As discipline is one of the means of reformation, and also enters so largely into the value of convict labor, it should never be neglected; but, on the contrary, it should be made a study, and the feelings and motives which affect it should be learned and appreciated.

There are two kinds of obedience. One proceeds from slavish fear, and the other from principle and a sense of duty. The former not long since prevailed in all penitentiaries, and does still in many. We are endeavoring to introduce the latter. In passing from one system to the other, it is almost impossible to prevent occasional errors. Some officers will misconceive their duty—overlook acts of disobedience—and while intending to be kind, will actually wrong those under their charge. The difference in the capacity of officers for this kind of government is as great as in that of teachers for the government of schools. And while errors on the side of humanity appeal to our sympathies, it will not do, in a prison, to allow them to become a rule, or even very common. Systematic order must be preserved at all hazards. It is not at all inconsistent with much liberty, but that liberty must be regulated and made a part of the discipline. Clear as this is, it is not easy to put it into practice and reduce it to a system. That it can be done there is no doubt; and with a little patience and much perseverance, the gloomy aspect of our penitentiaries may be changed to comparative cheerfulness, by the willing obedience and hearty submission of the convicts.

We have endeavored to render our penitentiary a reformatory institution. We think we have succeeded, to some extent at least. What has been accomplished is the result of slow and patient effort. That mild treatment, reasonable indulgence, and rewards for good behavior are consistent with safety and discipline, is fully established. That there is a better feeling toward the state on the part of the prisoners, a less disposition to destroy property, and more cheerfulness in the performance of labor, is very evident.

From a purely punitive institution, our penitentiary has become both punitive and reformatory. Cruel and degrading punishments are not countenanced. That convicts have rights and may assert them has been acknowledged and acted upon; a spirit of manhood, responsibility and self-respect has been cultivated; and that which was revolting to both bond and free has been discontinued as fast as practicable. In endeavoring to produce reformation, we have kept in mind the primary cause of crime, and have endeavored to supplant vicious and erroneous ideas of life by those Christian truths which are the basis of all our morals and our superior civilization. There are many in as well as out of the penitentiary who are proof against such influences, and there is about the usual proportion in both situations whose minds and consciences may be reached, and who can be influenced to forsake the wrong and

cleave to the right. This branch of the public service is but commenced. Many errors are to be corrected, and many new modes are to be tried. Like all new steps in the way of human advancement, to be successful they must be taken slowly and with caution. A given amount of opposition must be expected; and it sometimes seems as though it was arranged by infinite wisdom that those who are striving to benefit the unfortunate should be stimulated and urged forward by the incredulity and even resistance of others.

Referring to the same subject, the warden, Colonel Burr, says :

Gratifying as has been the financial success that has been achieved in the management of the prison for some years past, yet this is of but little importance in comparison with the moral improvement of the inmates. If they can be made better, if the lost can be saved and those sunken in sin and crime redeemed, that is a work of far greater moment to the people of the state and the entire community than the matter of money.

I am happy to be able to say that the religious interest that has existed for several years still continues. That much good has been accomplished cannot be doubted. Many that have gone out from us are living upright, exemplary lives, and adorning the professions they made while here. Others have gone back to the ways of sin, and shown that they were either self-deceived, or were purposely deceiving others in order to accomplish some selfish end. All this, however, is to be expected. It is just what is found outside, and in every community. Fallen human nature is the same, wherever found; and the terrible influence and power of sin in debasing the heart, blunting the moral faculties, and defacing the image of God in which man was originally created, are the same among all people.

Chaplain Newton confirms all this; but space is wanting for further citation.

It is one of the saddest fruits and evidences of the baleful influence of party politics in the management of our prisons, that such an administration has just been displaced by that influence; and that there has been, in consequence, an entire change both of the board of directors and of the prison staff. The new men may be equally able and honest—of that I have no knowledge; but, at least, they are untried and inexperienced. When will states learn to apply the same wisdom and the same principles to public affairs that citizens do to their private enterprises?

29. *Pennsylvania.*

a. EASTERN PENITENTIARY.

The annual report of the Eastern penitentiary (Cherry Hill) for 1873 has not yet been published. Consequently, no account can be given of the condition and progress of things in that institution for the year named. A few paragraphs will, therefore, be cited from an interesting "Sketch of the Origin and History of the State Penitentiary for the Eastern District of Pennsylvania, at Philadel-

phia," by Richard Vaux, president of the board of inspectors ; a document prepared, under instructions from the board, for presentation to the Prison Congress of London, in 1872. In his preface, Mr. Vaux justly remarks :

Those who are earnestly inquiring after the best system of punishment for criminals will find that the vital question to be determined, is to ascertain that system which best secures punishment, reforms the individual, protects society, and prevents the existence of a crime-class, educated and organized during imprisonment. This is the serious, the primary question which is paramount to "cost," "support," and "profit-making;" those minor subjects, which too frequently receive undue attention in discussing systems of punishment.

The opening statements of Mr. Vaux's paper are as follows :

The state penitentiary for the eastern district of Pennsylvania, at Philadelphia, is the only penal institution in the United States in which the separate imprisonment of prisoners is now administered. The peculiar character of this system of punishment is so little understood, and the progress from the worst of all plans for the treatment of prisoners to the most philosophic is so little known, that the following short history of this penitentiary and of the system of punishment to which it is devoted, is presented for the information of those who are engaged in the study of penal science and of penitentiary discipline. It will be found from this narration that the city of Philadelphia has the honor of laying the foundation on which all the subsequent efforts at penitentiary reform, in Europe and America, have been based. It is to a few, very few citizens of the city of Penn, that the merit belongs of originating and stimulating the movement that has since spread over Christendom, for the amelioration of the miseries of prisoners, the mitigation of prison discipline, and the philosophic investigation of that science which relates to the causes of crimes and their prevention, the reformation of the convict, the welfare of society, and the punishment of the guilty.

It is beyond question that there exists a principle—a law comprehending many subordinate truths—which must determine the best system for the penitentiary punishment of individuals guilty of offenses against society. It is equally certain that the punishment of these offenders is a paramount necessity. To ascertain what is essential in punishment is not difficult, for it is obvious that its purpose should be prevention by example, protection by inflicting penalties, and reformation by the agencies of the system in accordance with which the penalty is administered.

The problem to be solved is to determine what system of punishment most certainly secures all these purposes. Mere imprisonment, as the penalty, does not necessarily accomplish any of these aims ; on the contrary, it may destroy all possibility of attaining them.

From the common jail, where all offenders accused or convicted of both sexes and all ages were indiscriminately congregated, to the penitentiary in which each individual is separately treated as his case demands, was a vast progress in improvement, benevolence and philanthropy, costing those few persons who were interested in effecting this change years of patient labor and of controversy not yet concluded.

Mr. Vaux gives this interesting account of the origin of the first prison society ever formed in this country, and probably in the world :

The first citizen of Philadelphia who, from authentic information, appears to have been interested in the occupants of the then common jail of the city located at the corner of Market and Third streets, was Richard Wistar who, residing near by, had his attention called to the horrible condition of the prison and the real miseries of its inhabitants. The condition of affairs as he found it was the first incentive to more general interest in the institution.

On the 7th of February, 1776, a society was formed in this city under the title of "The Philadelphia Society for Assisting Distressed Prisoners."^{*}

A small number of citizens united in this association, and what good it did or how it was employed is not known, for in less than two years the British army took possession of Philadelphia, and ended for a time the labor of the society.

The following record is all that has been found of the proceedings of this society :

"The British army having entered the city of Philadelphia in September, 1777, and possessed themselves of the public goals, no further service could be rendered, nor was any election held this month for the appointment of new managers, so that the Philadelphia Society for Assisting Distressed Prisoners was dissolved during this remarkable period.

Signed,

RICHARD WELLS,

Secretary."

Ten years afterwards the society was revived under a modified title, concerning which revival Mr. Vaux makes the following statement :

In the year 1787, a meeting was held at the "German School House on Cherry street," at which a number of citizens assembled and formed a society which has ever since been most conspicuous and eminently serviceable in efforts for the reform of criminal codes and systems of punishment for convicts.

The society then established was called "The Philadelphia Society for Alleviating the Miseries of Public Prisons." The real objects of the members of this remarkable and ancient society may best be explained by a quotation from the preamble and constitution which was the basis of its organization.

"I was in prison and ye came unto me, * * * and the king shall answer and say unto them, verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me"—MATTHEW XXV. 36-40.

"When we consider that the obligations of benevolence which are founded on the precepts and example of the author of Christianity are not cancelled by the follies or crimes of our fellow creatures; and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments and guilt (the usual attendants of prison) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of these miseries. By the aid of humanity these undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together under all circumstances be preserved unbroken, and such degrees and modes of punishment may be discovered and suggested as may, instead of continuing habits of vice, become the means of restoring our fellow creatures to virtue and happiness. From a conviction and obligation of these principles the subscribers associate themselves."

The society elected a president, two vice-presidents, two secretaries, a treasurer, four physicians, and two standing committees, one for electing members, and one

^{*}This was one year prior to the publication of Howard's work, "The State of Prisons in England and Wales," which embodied the results of his labors for three or four years, and was the means of first directing the attention of the English people to this subject.

called "the acting committee." The duties of the acting committee were to visit the prisons every week, inquire into the circumstances of persons therein confined, report all abuses, and investigate the influence of the system of treatment on the prisoners.

b. WESTERN PENITENTIARY.

The Western penitentiary, like the Eastern, was originally established and for many years conducted, on the cellular system of imprisonment. It was, however, a few years ago, partially, and is now wholly, changed to the congregate plan. The authorities in charge express themselves in their report for 1873, as they have in preceding ones, as satisfied with the results of the change.

Chaplain Milligan gives us, as his custom is, an excellent report. On the subject of reforming criminals, he pours out these stirring words :

Governor Hartranft in his recent message says, that "society is as much interested in the reformation of prisoners as in their punishment." This is a true and worthy statement, which of course he means in an obligatory sense, that society *ought* to be as earnest in reforming the offender as in punishing him. Little by little this heaven has been working its way into the thought and activity of intelligent and humane men. In some churches the voice of supplication is now heard in behalf of prisoners. The Evangelical Alliance, in their last programme of subjects for the week of prayer, make mention of the inmates of prisons as demanding the recollection of those who approach the throne of grace. Our board of public charities has been pressing the importance of reformatory efforts by figures, facts, financial economy, and judicious appeals. The National Prison Association has been for years directing public attention in the right direction by its conventions and publications. The conflicts and their results of the last twelve years have burned into political activities the biblical teaching of the common brotherhood of men in all circumstances and conditions.

Mr. Milligan speaks cheerily of his own special work, and thus sets forth its encouragements and disappointments :

The aggregate population during the year was 688. Among these who are socially proscribed, politically disfranchised, and judicially condemned, my daily work has gone forward. In it, as in all efforts elsewhere, to lead men to accept the right, the true, and the good, I have found much encouragement and have met disappointment. Human nature in the prison is simply human nature still. It is mine to use, as best I may, the divinely appointed instrumentalities for moral renovation, and leave the results in the hands of the Master, who has declared that his word shall not return unto him void. This promise has been verified in many cases which have come under my observation within the prison. It is best, however, to let triumphs over renewed and repeated temptations tell the power of spiritual rehabilitation. It is the work of the Spirit of God to culture self-respect in men and make them morally strong ; and this He frequently carries forward as quietly as the sunshine touches and beautifies the rough hill-side. The grasp of the law, cold and rigid as it must be, simply restrains, it does not *per se* reform. Nothing but the gospel remedy and the sympathy of Christ applied and shown, as they may be, in so many ways, within prison walls,

can cure the sinner and secure safety to society. Let the man know and feel that larceny, perjury, burglary and all crimes of reflection against property, as well as all crimes of violence against the person, are wrong, not simply because human law punishes them, but primarily and chiefly because they are outrages against divinely ceded rights and sacred immunities, and thus you discover to him an end of punishment better and higher than a spirit of vindictiveness. This is the difficult problem of prison discipline. Its successful solution is of vastly more importance to the state than all the money her punitive practices, misdirected, could bring into her coffers.

It is our high duty to illustrate and enforce the principles of our great and wise Teacher whose wonderful patience and charity were always exercised towards the erring, and whose heaven-born mission was to call sinners to repentance. In so doing we shall not have labored in vain.

It is not only in the afternoon Bible class, but in the Sabbath morning service as well, that I strive to have the cheering and convincing truths of God's word presented. To me it is a duty full of solemn responsibility to tell, to so many men who hear so attentively and who need so deeply, the healing and redeeming power of Jesus' love. As I speak to them day after day of the demands and promises of Him, who came to call not the righteous but sinners to repentance, and whose sympathies went out so often after the erring, I cannot but feel that He will own and bless his divinely appointed ordinance to the saving of some. In many other ways besides the public religious services, do I strive, in my daily contact with the prisoners, to urge to the acquirement of an earnest and honest manhood.

Eight prisoners died during the year, of whom the chaplain thus speaks :

One was pardoned a few hours before his demise ; too late to be removed from the hospital to his home and family, for which he so much longed. His wife was frequently at his bedside and did all she could to cheer his departing hours. His last intelligent words were, "take me home." In the minds of most there was a clear preception of divine mercy and an expressed resignation to the divine will, and I trust a faith sufficient to take them at "that great day" from the prisoner's lonely grave to the glory which the loving Saviour promised the malefactor crucified at his side. At the funeral of each one, public religious services were held in the chapel and their remains properly and quietly interred in the cemetery.

Such decent funeral services on the burial of prisoners are as they should be ; but they are far from being observed in all prisons. Will not prison authorities everywhere think of this, and imitate a worthy example ?

A prison Sunday-school has long been, and continues to be, prosperously carried on. It is taught mainly by a corps of volunteer workers from outside, whose presence is ever welcome, and whose labors are much appreciated, as well by the prisoners as by the authorities.

A benevolent Christian lady gives stated religious lessons to the women confined in this prison. Mr. Milligan makes this record of her labors :

Miss Mary Bryan still continues her weekly biblical instruction to the female prisoners. The good seed thus sown in these stony places may bear precious fruit in the final ingathering.

The prison library contains 3,000 volumes. The total number of books issued during the year was 12,840. Of these there were: Novels and romances, 3,812; histories, 1,525; travels and poems, 1,438; magazines, 1,410; religious and scientific works, 1,254; biographies, 1,117; German, 709; miscellaneous, 1,575. Its use and benefits are set forth as follows:

The library is one of our most efficient agencies for instruction and entertainment. Its privileges are highly appreciated by the mass of the inmates. The books are well taken care of in the cells. In no instance during the year has there been any deprivation of privileges of the library on account of abuse of its volumes. All books issued to the cells are carefully examined on their return to the library. In many instances extracts are copied and carefully studied for future service. Letters to friends frequently refer to the advantages accruing from reading after the daily task has been completed. In it are found volumes of history, travels, etc., which adorn the best public and private libraries. Variety, purity and morality control the selection of all books introduced into the shelves.

In connection with the regular issue of books from the library, many thousands of religious papers have also been distributed to the cells. Besides Bibles, hymn-books, prayer-books, temperance almanacs, text-books, copy-books and slates are furnished to each cell, so that the influence of the library department of the prison reaches out in many ways for the improvement, moral and intellectual, of the prisoners. That all these silent agencies work in the aid of good discipline is readily admitted by all close observers. How much they have instilled of manliness and self-respect can only be reckoned at the closing of all earthly accounts and opportunities.

A prison school is regularly maintained, of which Mr. Milligan says:

In conjunction with, and as an efficient part of, the helping and reformatory agencies just mentioned, the day school, under the experienced and faithful direction of Rev. Joseph S. Travelli, takes a prominent place. It is not a night school, nor a secular school holding its sessions on Sabbath, but what is needed in this and every prison, a school affording its privileges to the illiterate for five hours every day.

He thus speaks of "Help for the Discharged:"

It has always seemed to me that there should be some specific provision made by the state for the systematic care of discharged prisoners who have no home nor friends. This supervision should be simply such as to assist until work is secured. There can be no permanent reform without labor, both whilst in prison and after release. If the habit of daily work is followed up, the temptations to dishonesty are greatly diminished.

Governor Hartranft, in his annual message to the legislature, makes the following judicious remarks concerning the importance

of teaching every convict a trade and the necessity of giving all some share in the products of their labor :

For the purpose of awakening the self-respect of the prisoner and to provide him with some incitement to good behavior and industrious habits, every inmate of a prison should be instructed in a trade. When competent to do the work belonging to his particular trade, the convict should then receive while in prison, as compensation for his labor, a portion of his earnings, to be given to his family if necessitous, or, if he has no family, to be reserved for his own uses when released. Accustomed in this way to toil for those dependent upon his support, the prisoner, when liberated, will be apt to carry into life the skill and habits of industry thus acquired, and to make of himself a useful citizen. Society is as much interested in the reformation as in the punishment of the criminal ; and experience shows that teaching him a trade contributes to that end.

30. *Rhode Island.*

The state prison has had a prosperous year financially, and, to a certain extent, morally as well.

The inspectors speak strongly—but not too strongly—on the duty and policy of the state to make provision for its liberated prisoners. They say :

In this connection the inspectors would again call the attention of the general assembly to the need of an agency for furnishing employment to discharged prisoners. There is no question of the good reformatory influence of continuous employment. Idleness almost invariably insures to the discharged prisoner a relapse into crime. The state would find it to its certain interest to make an appropriation sufficient to pay a zealous, energetic, faithful agent whose special business it should be to find employment for this class of persons, to supply them with tools, and to exercise over them a general superintendence, during that period of peculiar danger, in which an unaccustomed liberty exposes them to falling.

The inspectors set forth the physical and moral condition of the prison in the following terms :

The physician—who has been especially faithful to his duties—reports an excellent state of health. The prison has been remarkably free from disease during the year. But one death has occurred among the state convicts, and none among the goal prisoners.

The chaplain has, as usual, performed a good and efficient labor in his department. The Sunday services have been profitable, and at times even attractive. The Sunday school, with its body of [volunteer] teachers, has been admirably conducted. A considerable addition has been made to the number of books in the library, requiring a new and larger case. The evening school has been continued with decidedly good results. As a consequence of the use of these various instrumentalities, there have been but few serious breaches of discipline. Forty-seven convicts in the prison [about one-half] have a clean record for the year. The number in the other grades have been as follows : 4 in the second ; 11 in the third ; 38 in the fourth ; 5 in the fifth. The result is gratifying to the officers and creditable to the internal management of the prison.

The Rhode Island prison, like that of Western Pennsylvania, enjoys the services of a devoted Christian lady, who labors assiduously, in many ways, for their temporal and eternal welfare. Of her and her work chaplain Douglas says :

Mrs. Sarah L. Little, the lady mentioned in my last report, still continues her labors among the prisoners of both sexes with unabated zeal, and with a good degree of success. She not only manifests a kind, Christian interest in the convict while a prisoner, but she still follows him, when liberated, with personal counsel if he remains in the city, and with friendly correspondence if he removes to other places.

31. *South Carolina.*

It would appear from the report of the warden—General J. B. Dennis—that the state prison of South Carolina is in an exceedingly crippled and embarrassed condition financially—the indebtedness at the close of the last fiscal year being \$102,238.40. At one time, during the year, matters were at so low an ebb that the warden has stated in his report :

The prisoners, too, were in a very unhappy condition ; scarcely one of them had clothing wherewith to cover his nakedness, and there were among them no shoes, blankets, or hats.

Further on he says that their “outward appearance was such as to offend the eye of the visitor,” which is equivalent to saying that it was not decent.

The public credit was so depressed that “all the merchants applied to refused to sell goods on the faith of the state,” and (says the warden), “but for the fact that Hardy Solomon, Esq., a well known merchant of this city (Columbia), came to my relief and, at great personal sacrifice to himself, made arrangements to furnish me supplies, the inmates of this institution must have been turned loose upon the community !” Truly, that would have been a “general jail delivery” of an unprecedented sort, and it is not wonderful that Governor Moses, in his annual message to the legislature, says : “I commend to the people of the state this example of public spirit.”

The report on the prison contains absolutely nothing of general interest. There is not even a single statement in it, of any kind or description, relating to the prisoners. It does not mention the number of prisoners at the beginning of the year, the number received and discharged, their color, sex, nativity, age, crimes, sentences, nor, in fact, any of the ordinary or extraordinary statistics given in similar reports in other states. For the absence of all information, having

any interest or value, it stands as "Old Bullion" * used to say he did on the hard money question, "solitary and alone," being, in this respect at least, eminently and preëminently, a report *sui generis*.

It is but fair to General Dennis to state that the horribly denuded condition of the prisoners was such as he found it on assuming the reins of power, in April 1873, and that he cannot be held responsible for the fearfully depressed state of the public credit; but for the utter emptiness of the report, the absence of all information customarily contained in such documents, he must be held accountable.

32. *Tennessee.*

The report of Dr. Wright, the able superintendent of prisons of this state, furnishes a much greater amount of information than that of Gen. Dennis of South Carolina, just noticed. Still there are lacunes (to be referred to by and by), which it would be desirable and indeed essential to have filled up, in order to a just understanding and appreciation of the precise status and value of prison discipline, as now practised in Tennessee. Dr. Wright's official title is, "superintendent of *prisons*." There is, however (as understood by the undersigned), but *one* state prison in Tennessee—that at Nashville—which, under existing arrangements, has several branches or out-stations, being the result of the system of prison labor for the present in force in that state. This is the system known as the "leasing system," to which reference has already been made, more than once, in this report. The lessees (for it appears to be a firm and not an individual that has taken the prison) work the prisoners at different points; first, for example, in the penitentiary at Nashville, and then at several other places. But neither the number, names, nor localities of these branches are given; nor is any information afforded as to the working force of prisoners employed at them, whether in the aggregate or individually. The name of the leasing party is nowhere mentioned in the report, nor is there found in it any copy of the contract between said party and the state; so that no knowledge whatever is vouchsafed regarding the duration of the lease; the consideration paid to the state for it; the relative power awarded by it to the two contracting parties, respectively, over the prisoners; the obligations assumed by the lessees as regards the care of the convicts in respect of food, clothing, lodging, hours and kinds of work, mental, moral and religious instruction, etc. etc.; or,

* Colonel Benton, of Missouri.

indeed, any of the terms that fix the relations of the two parties to each other, and determine their mutual rights and obligations. Gov. Brown tells us, in his message, that "it is a pleasing fact that the prison has at last become self-sustaining," adding that, "as compared with other states, the results attained are most gratifying." After a few sentences, he returns to the same subject, and says that "the result in no state is so satisfactory as in ours." Such statements whet one's appetite to learn what these wonderful results are. But not a scintilla of light is shed upon the subject. We do not know, from any thing that is told us, whether the state realizes fifty dollars or fifty thousand a year by the operation.

Both the governor and the superintendent take pains to inform us that the lessees "have diversified the labor of the convicts, and reduced the mechanical products fifty per cent. in one year." In itself, and irrespective of other clearly defined considerations, reduction of "mechanical products" does not seem to be a result to be gloried in, nor is the "diversifying of labor" necessarily a good; but regard must be had to the directions which that diversity takes. Montesinos, in his great prison at Valencia, Spain, "diversified labor" by introducing forty-three different trades, thereby increasing instead of "diminishing mechanical products;" and this has generally been regarded by students of penitentiary science as a wise and excellent measure, especially as he permitted each prisoner to choose the trade he would learn. But if, instead of this multiplication of trades, he had "diversified labor" by making the number of trades fewer and by turning his men into mere "hewers of wood and drawers of water"—no matter what the number of these rough and unskilled employments might be—he would hardly have carried the universal suffrages of prison reformers, as he has done by the measures actually adopted.

Dr. Wright's report abounds in glittering statements, of which the following are specimens :

We will surely be among the foremost to ameliorate, as far as possible, the condition of the unfortunate convict; punish him as the law directs, but try to teach and educate him for reform. If possible, let him come from the prison cell a better, not a worse, man. The grand object of state prisons is but to furnish means for the punishment of crime, that it may be prevented, and thus society protected. Hence, if that object be attained without expense to the people, nothing more could be desired. Certainly, the present system secures that end.

The success of our branch prisons, rendered necessary by the rapid increase of convicts, is a source of gratification to the state. Good order and discipline prevail at all of them; the convicts are well cared for, provided with suitable books, work cheerfully, and punishment is almost unknown. They are conducted under the

regulations of the penitentiary. The same sanitary measures have been adopted at all of them ; each prison being furnished by the company, or contractors in charge, with medicines and a physician. The wardens are required to make weekly reports as to the condition of the prisons, and to perfect precautionary measures necessary to the health of convicts, their diet each day, etc. Superintendent makes frequent visits to see that the prisons are secure and in good condition, and that the convicts are not ill treated. The entire control of the treatment of prisoners is in the hands of the different wardens, appointed by the superintendent. The health of these prisons has been remarkably good, and the mortuary lists small. This is particularly the case with the prison at the coal mines.

These statements sound well. Knowing Dr. Wright personally, the present writer has conceived a strong personal regard for him ; and it may seem ungracious not to accept such statements from his lips or his pen without hesitation or questioning. But illustrative and confirmatory *facts* would not, to say the least, be unacceptable. Dr. Wright says, for example, that they "try to educate the prisoner for reform ;" but he nowhere states what the "education" given him is. He says that the convicts at the branch prisons are "well cared for ;" but he gives no specific account of the kind or measure of "care" they receive. He says that they are "provided with suitable books ;" but he tells neither the number nor character of these books, nor what proportion of the convicts can or cannot read them ; nor how much use is made of the books by them, nor the influence thereby exerted, nor, in short, anything whatever of the many things one wants to know upon the matter. He says that the prisoners at the branch prisons are managed "under the regulations of the penitentiary ;" but he leaves us as ignorant of what those "regulations" are, as we are of the habits and pleasures of the "man in the moon." He says that "the same sanitary measures have been adopted at all of them," that is, the branch prisons ; but he does not state what those "measures" are, beyond the naked fact that each is "provided with medicines and a physician ;" a provision which self-interest alone would dictate to the lessees. He says that "perfect *precautionary* measures, necessary to the health of the convicts, their diet each day, etc.," are taken ; but he gives not the slightest inkling as to what these "measures" are ; nor does he mention a single item in the dietary established for the prisoners. He says that "the wardens are required to make weekly reports as to the condition of the [branch] prisons ;" but no hint is vouchsafed in regard to the nature or contents of the reports made. He says that "the entire control of the treatment of the prisoners is in the hands of the wardens appointed by the superintendent ;" but in what manner and to what extent that control is made effective, we are not informed.

When Dr. Wright does give us the necessary data for weighing and gauging his statements, the facts do not always quite sustain the points made. Among other declarations in the citations made from his report is this: "The health of these prisons has been remarkably good, and the mortuary lists small." The official report of the physician-in-chief shows that, out of an average prison population of (say) 740, there have been 75 deaths, or a death-rate of about ten per cent., which strikes the undersigned as enormous; and it is certainly larger than that of any other prison in the country. Then, too, Dr. Wright says that "the grand object of prisons is to punish and prevent crime, and thus protect society;" and he affirms that the system of prison discipline carried out in Tennessee "certainly secures that end." In the very next sentence he says, in the extract above cited, that "the branch prisons are rendered necessary by the *rapid increase* of convicts;" that is to say, crime is prevented, and yet crime increases. How does he reconcile these two statements? Or, indeed, can they be reconciled at all, either by him or any one else? The doctor is an enthusiastic admirer and advocate of the leasing system; and it is just possible that he may allow his zeal so to prevail over his reason as to interfere, for the moment, with that cool and cautious weighing of words, which is essential to a calm, scientific statement. At any rate, if he means to win converts to his theory through the actual application of it in his own state, he must let in upon it more light. He must fill up, with a broad and clear exhibition of *facts*, those yawning chasms in our knowledge, which have been indicated in the preceding paragraphs. I do not question the perfect sincerity and faith of my friend—for I claim him as such, and feel towards him as such; but before he can expect others to share his confidence, he must lay a foundation for such joint belief in an unquestioned and unquestionable array of *facts* that will command it, and leave no choice but submission. It is my *sincere* desire that he may, in his next report, give us such a detail of the reformatory processes employed in the Tennessee penitentiary and its branches, and show such good work done in that direction, as will support his claim to the fullest extent. For no man will or can rejoice more than the writer of this report, if it shall be made to appear that the leasing system of prison management does, under proper control and guidance, as a matter of indisputable fact, yield solid and lasting reformatory results.

33. *Texas.*

Among the papers submitted to the St. Louis Congress and printed in a previous part of this volume of Transactions, is an extended account of the organization and management of the Texas state prison at Huntsville, by Messrs. Ward, Dewey & Co., lessees. The information contained in that paper will obviate the necessity for an extended review here. The materials for such review lying upon my table are : I. Reports on the condition of the Texas State Penitentiary for the years 1871-2, containing, 1. Report of the Board of Directors ; 2. Report of Inspector ; 3. Report of A. G. Mallory [incoming inspector] ; 4. Report of Physician ; 5. Report of Chaplains ; 6. Sundry Statistical Exhibits. II. A document by Ward, Dewey & Co., under the caption, " Our Prison Industries," printed in the form of a four-paged newspaper. III. Report of a Legislative Committee appointed to visit, inspect and examine the penitentiary, and make report concerning its condition and working to the legislature.

The total number of convicts under sentence in the state prison at the end of 1873, was somewhat over 1,200, a part of whom are engaged within the walls of the main prison at Huntsville, and a part are worked at two or three camps, or branch prisons, in different localities of the state, being engaged in the construction of railroads. The lessees are, evidently, admirable organizers and managers, and the prison, in their hands, is in all its parts a vast hive, or, more correctly perhaps, many hives, of busy industry. The lease is not given in their report, but it is incidentally intimated that, besides paying all the expenses of the establishment of whatever kind, they indemnify the state by the payment of an annual bonus of \$15,000. The lessees claim, both in the paper sent—as will have been seen by those who have read it—to the Congress, and in the documents mentioned above, that they conduct the prison on true reformatory principles, relying, in the enforcement of discipline, upon moral forces mainly (encouragements, rewards, counsels, appeals to manhood, self-respect, conscience, personal interest, etc., etc.), and having very little recourse to compulsory agencies. And, really, they make out a pretty strong case for themselves. They have a large cotton-factory in the prison, where all sorts of cotton goods, white and colored, are produced. Numerous handicrafts are carried on, among which are carpentry, smithery, tailoring, boot and shoemaking, milling, manufacture of railway cars, carriage making, agricultural implements,

cabinet work of all sorts, chair making (from the commonest to the finest), mattress making, etc. They declare that, within the current year, they "intend to take a much wider range in the manufacturing feature," thus "diversifying labor" not by a "diminution of mechanical products," but by an increase thereof. When a prisoner is received, he is asked, "what trade have you?" If he knows one, he is put at the same, if that be possible. If not, "what do you wish to work at?" is the next question, and he is permitted to choose the trade that he will learn. Every prisoner who works well and behaves well, has two dollars a month placed to his credit, which he can either send to his family, lay by against the day of liberation, or use in the purchase of books or additional underclothing. All well conducted prisoners are allowed to see their relations whenever they call, or can write letters to them once a month. "Good conduct brings with it more privileges, more confidence and trust, and entitles the man to a very considerable reduction of sentence." "Among the many helps (they say) that we are offering to those in our charge, that of books and papers ranks first. On the subject of correspondence they say :

A long experience in the management of prisons convinces us that letters from home and friends accomplish much towards inducing reformation in those confined in these institutions. This is especially true with those young in years and crime, in whom there is yet a strong love for the better scenes of a better life. Write them long letters, letters full of home and neighborhood news, letters full of earnest thoughts and desires for their future welfare.

Upon the whole, these men, by their own showing, seem to be of an excellent spirit; and no doubt they are as wise as they are humane, for their own interest, equally with that of the convict, lies, beyond a peradventure, just on that line. We shall heartily rejoice and, from the heart, bid them God-speed, if they save men, whether they pronounce *shibboleth* with or without the *h*.

34. Vermont.

This state is making progress in the penitentiary question, though the financial progress is more marked than the moral. Still, in this latter respect, also, there is an evident advance in public opinion, as reflected in the biennial report of the prison for 1871-2, the latest that has come to hand. The board of directors cite from the statute the clause which expresses the purpose of the prison, in these words: "The state prison at Windsor shall be the general penitentiary and prison of the state for the reformation as well as the punish-

ment of all offenders." They then ask what these agencies are, and reply by naming as such the general discipline of the institution, industrial labor, and secular, moral and religious instruction—adding that "all these agencies should be kept steadily at work, each in its place." They go on to say that, as regards the importance of the first two, none doubt; but what of the third? Theoretically (they remark), this also is conceded; but, practically, "the whole matter of reformation is held in doubt, and efforts for the reformation of the criminal are esteemed as little better than a dead loss." They then proceed to vigorously contest this popular impression—for it scarcely rises to the dignity of an opinion, urging

The need of more prominence, in all that concerns the institution, being given to the idea of the reformation of erring and guilty men, as being a primary object of all prison discipline. In legislation for the institution, in the conduct of its external and its internal affairs, in the treatment of its discharged inmates, the possibility and the hope of reformation must be brought into distinct view and kept before the eye.

Chaplain Butler, whose reports always contain matter of interest and value, has this paragraph, which is instructive as suggesting some of the more potent causes of crime:

By as careful examination as has been practicable, it is found that of eighty-nine men in prison, on July 5th, 1872, more than one-fifth part can not read; a little less than two-fifths can not write; more than two-fifths have never been accustomed to attend public worship; more than two-fifths have never attended a Sabbath school; nearly two-fifths have never attended any school, and about the same number left their home under fifteen years of age; nearly two-fifths have neither parent living; two-fifths have been in the army of the late war; more than three-fifths have been accustomed to use intoxicating drinks; and more than four-fifths are addicted to the use of tobacco.

Dr. Butler makes the following sensible suggestion in regard to providing the prisoners with a special Sunday suit of clothes:

A change of clothes for Sabbath services should be provided, under such regulations as may be deemed expedient. Men that once respected themselves are not destitute of sensibility to their personal appearance even in prison, especially in religious worship; nor has the state a right to inflict on them any unnecessary pains of humiliation in their garments, especially in their devotional privileges on the Lord's day. To require men to appear in the place of worship with soiled and tattered garments, worn in the labors of the week, is to require them to do, and to form the habit of doing, indecencies to which they would never dream of condescending outside of prison walls. If the state would have erring men trained to the love and the habit of worship on the Sabbath while here, and be fitted for good citizens when they leave, let a clean and decent suit of clothes be provided for their use in worship. The cost would be a mere bagatelle in comparison with the good results.

He thus refers to a reform needed in other states as well as Vermont:

More liberal provision should be made for the encouragement of the inmates to good behavior in confinement, and to manly endeavors on their discharge. A small percentage of their wages, on proper conditions, would not only secure to their families some needful aid or to themselves when they leave, but conduce powerfully to the formation of those habits of industry, economy and rectitude, which few of them possess at their entrance, but which all must needs have in order to thorough reformation and the faithful performance of the duties of life.

35. *Virginia.*

As far as appears from the annual report, the state prison of Virginia seems to be conducted with sole reference to punishment and business. The report of the warden—George F. Strother—is a document of only two printed pages; that of the board of directors contains just five lines. Mr. Strother makes no reference to the moral condition of the penitentiary; neither does he state whether it has any moral ends in view; nor, if it has, what they are, by what agencies they are pursued, or what results are obtained. He does not tell us whether the institution has a chaplain (there is no report of such an officer), nor whether any religious services are held in the prison. Even as a business statement, his report is not quite clear to the common mind, since the provisions procured for the convicts are placed on the debit side of the account, and the clothing furnished them is placed on the credit side. There is nothing of general interest for citation in the report, beyond the fact that the financial condition of the prison is improving, so far at least as the income from prison labor is concerned.

36. *West Virginia*

In a letter, dated Moundsville, April 20th, 1874, Mr. Bridges, warden of the state prison, says: "By reason of a difficulty having arisen between the authorities of our state government, our report for the year 1873 was not published." This is all I have from West Virginia, beyond the statistics kindly forwarded by Mr. Bridges, in answer to printed interrogatories sent to him, in common with other heads of prisons. Gov. Jacob's annual message to the legislature is at hand, but it makes no mention of the penitentiary.

37. *Wisconsin.*

Commissioner Wheeler (whose office corresponds to that of warden in other state prisons) offers, in his report, the following interesting and somewhat novel views on the subject of pardons:

The comments of the public press in this and other states during the past few years, upon the question of executive pardons, have taken a wide range, and served to instill

into the minds of the people, to some extent, the idea that the practice of granting pardons to criminals in occasional cases is wrong, and tends to remove from the minds of the criminally inclined the fear and dread of punishment. This doctrine, I think, is entirely erroneous, and unjustly criticises the law or provision granting the pardoning power, and the executive who uses it. A few years' experience has served to convince me, and I think a similar experience, or a proper investigation of the subject, would convince any fair-minded man, that a large percentage of the inmates of our prisons are more unfortunate than wicked. *Crime is not bred in the bone.* If it were, then the criminal would be entirely irresponsible; and, besides, crime would not be so largely confined to the lower walks of life. I believe that justice is not unforgiving; that sincere repentance or suitable punishment for a given offense does not always require the lapse of a given number of years, months and days; and that the cases are not rare in which a convict may be restored to society as a good citizen by the granting of executive pardon. That pardons may be, and no doubt sometimes are, granted without good and sufficient cause, I admit; but I firmly believe that executives are more likely to err in the withholding than in the granting of pardons. Of the large number of convicts that have been pardoned during the time I have been connected with the state prison, I have yet to learn of the first instance where the person pardoned has returned to a life of crime, or made himself amenable to the law. I trust the day is very far in the future, when the people or the press of Wisconsin will advocate any change in the law of pardons that shall (by restricting the prerogative) make it less effective than it now is. The good things of this world are very unevenly distributed. The palace and the hovel are not unfrequently upon the same block in our cities, or in close proximity in the country. Overflowing granaries constantly meet the gaze of the half-starved children of the poor, and the rejoicings of plenty are ever harshly grating upon the ears of the famishing and the distressed. The wonder is not that instances of crime are so frequent, but rather that they are not much more frequent. Many are weak to resist temptation who are not wholly bad. Such should be encouraged to the performance of good deeds and the leading of a better life; and, so far as the pardoning power may be a means to such encouragement, I sincerely hope that its exercise will never be refused.

These are manly words, and they have a bearing which reaches over from the question of executive pardons to that of indeterminate or reformatory sentences.

The Rev. Henry Drew has, for many years, discharged, with fidelity and success, the duties of chaplain in the Wisconsin state prison. His reports are always interesting and instructive.

After speaking of the ordinary Sabbath services, he thus describes a social meeting, held in the prison every Sunday afternoon, to which "none are admitted but such as are members of the prison church, and such as [without being members of said church] express a desire to lead a new life by faith in Jesus Christ:"

Our social meetings are conducted by the convicts themselves. They are truly interesting and profitable, and sometimes very affecting. Many Christian people from the outside give us their influence and encouragement by attending our afternoon exercises, and contribute largely to the interest of the meetings by discoursing to us beautiful music, and interspersing the exercises with inspiring songs and hymns. Many strong men, unaccustomed to weep, are frequently seen bathed in tears, as

some touching strain speaks of home and childhood's innocence, and the hopes of other years now perished forever.

Of the prison church he makes this gratifying statement :

Since the organization of what is known as the prison church, in 1867, there have been admitted to membership and received the rites of Christian fellowship 188 persons. The whole number honorably discharged during the same time is 101. Of these I am happy to say that but one has ever been returned to this or any other prison as I have been able to ascertain, but on the contrary, many, if not *all*, are laboring to rebuild, by honest industry and Christian fidelity, a manly character ruined by a life of crime. Since my last report, I have received into society 25 persons, and have honorably discharged 17, which leaves me with a present membership of 32 in good standing and with unabated interest, and more encouraging prospects than at any time since my connection with the prison.

There is a prison school in this institution, regularly organized and successfully conducted, as will be seen by the following extract from the chaplain's report :

The prison school is in successful operation, and is doing a good work. There have been admitted to the school, since its establishment, 303 scholars. I have discharged from the school in the same time 266, leaving a present membership of 34 scholars, classed according to the different degrees of improvement found in the school. In regard to the order and deportment of the school, I can only say what I said in my last report. "It is truly remarkable that for the whole term of six years that this school has been in operation, with a membership of from 40 to 70 scholars and convict teachers, not one solitary breach of good order has occurred, but all have behaved with propriety." This department has made a greater impression for good in the prison this year than any previous year since its institution.

Of the prison library he says :

Our library is doing a good work in the institution, and is highly appreciated by all the prisoners—which they demonstrate by the careful manner in which they treat all books committed to their care. Not a single book has in any manner been disfigured by them since the opening of the library.

Mr. Drew expresses the opinion, of the justness which there cannot be a doubt, that these various efforts—religious, moral and mental—put forth in behalf of the inmates of the prison, "are greater preventives of crime in the future of these men and women, than the sentence of the law that confines them therein."

38. *Territory of Montana.*

Montana is the only Territory from which a printed report has been received. It covers the six months prior to Nov. 15, 1873. An extract is offered from the report of the directors to the governor, to show the spirit in which it is proposed to carry on this prison, as follows :

We are pleased to say that the Sabbath school and religious exercises that have been instituted by the good men and women of Deer Lodge, have been productive of much good. We think it a mistaken notion that men, when sent to the penitentiary, are beyond the power of religious influence, or insensible to kind words and treatment. It is a truth beyond dispute that most of our prisoners are the creatures of circumstances, and are in their present condition from other causes than the result of a course of life hardened in crime.

Feeling assured that it has been and is your design, and the wish of all good people of the Territory, that every convict shall not only go from the prison to enjoy the rights of citizenship morally a better man but a Christian, we have encouraged every effort of those devoted men and women who come to help us on the Sabbath, and we are glad to say that they have not labored in vain nor spent their strength for naught; much good has been the result.

In this connection we would say that the appointment of a chaplain to conduct the religious exercises of the prison would be wise and beneficial. That these reformatory measures may yet be productive of greater results, we would recommend that a small appropriation of money be made for a library of books for the use and benefit of the prisoners in the coming winter, when many days must be passed without work. As a means of employing the prisoners' minds, we think good reading the best.

The warden, in a similar spirit, speaks thus :

Since I entered upon my duties as warden, books have been furnished the convicts, nearly all at my own expense, and I am gratified to report that since I have been here, six of the convicts, who could neither read or write, have become quite proficient in these studies, and those possessing a common school education have also made considerable progress.

Our policy has been to govern, as far as is possible, by presenting to the man motives to induce right behavior, to inspire in him feelings of self-respect and a desire for a better life than that of sin and crime, that when he again goes forth into the world, he may go a better man. Many of the prisoners fully appreciate this treatment, and strive in every way to merit a continuance of it.

The reformatory work in the prison still goes on in such a way as to afford increased encouragement to those who labor for its success. Regularly every Sunday afternoon, services and Sabbath school are held in the corridor of the prison. The teachers of the Sabbath school volunteer their services, and their labors are highly appreciated. They have been untiring in their duties, devoting much time to the welfare of the prisoners, by whom they are greatly esteemed and loved; and their influence over them has contributed no little to the securing of a cheerful obedience to rules, and inspiring in them a desire after a better life. A few evenings since one of the convicts received the ordinance of baptism, and was received into the church; and through the instrumentality of these self-sacrificing teachers, we believe that many more of the convicts will be led in the same way.

So far as we have been able to ascertain in regard to the discharged convicts, they are leading honest, upright, and consistent lives.

A library of instructive books is much needed, and would be of great value in directing the minds of the men into better channels of thought, and greatly assist in the discipline and government of the prison.

39. *Territory of Utah.*

This prison does not publish an annual report; but those who are in the habit of reading this series of Transactions, will remember

that much interesting information in regard to its management was communicated at the Baltimore Congress by Warden Rockwood, who is in charge of it. It is suggested to this earnest and excellent warden that he henceforth issue at least a short report, giving the chief occurrences and statistics of the year.

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873.

STATE.	Location.	Warden.	Chaplain.	Estimated value of real estate.	Estimated value of personal property.	Number of cells.	DIMENSIONS OF CELLS.			No. of prisoners rec'd in 1873.	Average number of prisoners in 1873.	No. rec'd in 1873	Fl'y of offences ag't property.	No. guilty of offenses against property.	No. guilty of other offenses.
							Length.	Width.	Height.						
Alabama.....	Wetumpka.....	Larkin Willis.....	Henry C. Saul.....	\$150,000	\$10,000	310	7	4	x	8	147	200	98	45	4
Arkansas.....	Little Rock.....	John C. Ward.....	No chaplain.....	300,000	.....	232	x	x	x	.....	141	260	84	40	17
California.....	San Quentin.....	Romaldo Pacheco.....	Miguel Smith.....	250,000	.....	444	{ 9	x	4	x	430	915	335	82	8
							{ 10	x	6	x	73	180	.....	.....	.....
Connecticut.....	Wethersfield.....	E. B. Hewes.....	G. W. Wooding.....	100,000	8,000	248	7	x	4	x	62	65	42	18	2
Florida.....	Chatahoochee.....	Malachi Martin.....	Anstin McGriff.....	.....	5,000	*1	150	x	54	x	10	.....	.....	.....	.....
Georgia.....	Atlanta.....	John T. Brown.....	No chaplain; only occasional preaching	.....	.....	.....	x	x	x	.....	282	476	150	101	11
Illinois.....	Joliet.....	Joseph W. Wham.....	A. T. Buscoe.....	1,500,000	140,000	1,000	7	x	4	x	508	1,191	416	92	.....
Indiana.....	Michigan City.....	Charles Mayne.....	G. C. Beeks.....	350,000	6,000	380	7	x	4	x	173	354	151	19	3
North.....	Jeffersonville.....	Lawrence S. Shuler.....	John W. Sullivan.....	.....	.....	318	7	x	4	x	183	335	145	38	2
South.....	Indianapolis.....	Sarah J. Smith.....	.....	150,000	7,000	20	16	x	8	x	92	22	15	6	1
Womens'.....	Fort Madison.....	Seth H. Craig.....	C. P. Reynolds.....	300,000	.....	318	7	x	4	x	176	270	130	35	11
Iowa.....	Leavenworth.....	Henry Hopkins.....	D. F. Ballbridge.....	300,000	64,000	344	7	x	4	x	147	331	108	29	10
Kansas.....	Frankfort.....	Jeremiah W. South.....	J. P. K. South.....	500,000	10,000	574	{ 8	x	4	x	328	600	250	50	28
Kentucky.....	.....	.....	.....	.....	.....	.....	{ 7	x	6	x	7	.....	.....	.....	.....
Louisiana.....	Baton Rouge.....	.....	No stated chaplain; ministers of Thomaston officiate on Sunday	.....	.....	498	x	x	x	.....	339	406	.....	.....	.....
Maine.....	Thomaston.....	Warren W. Rice.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maryland.....	Baltimore.....	Thos. S. Wilkinson.....	No stated chaplain; cler- gymen of city officiate.	140,000	105,000	174	8	x	4	x	22	146	15	6	1
Massachusetts.....	Charlestown.....	S. M. Chamberlain.....	S. L. B. Spence.....	284,000	.....	700	8	x	4	x	226	387	163	55	8
				800,000	.....	662	{ 7	x	4	x	174	578	99	61	14
Michigan.....	Jackson.....	John Morris.....	Geo. H. Hickox.....	325,000	30,000	648	8	x	4	x	285	616	213	72	0
Minnesota.....	Stillwater.....	Henry A. Jackman.....	Wm. J. Johnstone.....	200,000	10,000	163	8	x	4	x	64	91	53	10	1
Mississippi.....	Jackson.....	Wm. Noonan.....	No stated chaplain; re- sident clergymen offi- ciate.	.....	.....	.....	7	x	5	x	7	.....	.....	.....	.....
Missouri.....	Jefferson City.....	.....	.....	250,000	40,000	200	8	x	4	x	76	288	.....	.....	.....
Nebraska.....	Lincoln.....	William Woodhurst.....	R. C. Talbot.....	200,000	5,000	.....	x	x	x	.....	471	1,062	.....	16	3
				150,000	.....	↑	x	x	x	.....	19	44	.....	.....	0

* Large dormitory. † Prisoners at present all in one large room.

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Location.	Warden.	Chaplain.	Estimated value of real estate.	Estimated value of personal property.	Number of cells.	DIMENSIONS OF CELLS.			No. of prisoners rec'd in 1873.	Average number in 1873.	No. rec'd in 1873 guilty of offenses agt. property.	No. guilty of offenses against persons.	No. guilty of other offenses.
Nevada.....	Carson City.....	Presley C. Hyman.	No stated chaplain; resident clergymen officiate.....	\$100,000	\$12,000	46	8 x 6	x 8	65	93	45	19	1	
New Hampshire.....	Concord.....	John C. Pillsbury.....	Eleazer Smith.....	60,000	20,000	132	7 x 5	x 7	33	82	98	7	0	
New Jersey.....	Trenton.....	Charles Wilson.....	A. H. Warner.....	.....	.....	536	.....	.....	376	545	.....	.....	.....
New York.....	Anbarn.....	Lewis E. Carpenter.....	Wm. Scaris.....	790,000	57,000	1,280	7 x 4	x 7	513	1,126	331	160	22	
New York.....	Danmemora, Clin. Co.....	Stephen Moffitt.....	C. Ransom.....	506,000	350,000	533	8 x 4	x 7	183	540	123	33	27	
New York.....	Sing Sing (male).....	James Williams.....	Jos. A. Canfield.....	806,000	188,000	1,200	7 x 3	x 7	750	1,163	548	94	108	
New York.....	Sing Sing (female).....	James Williams.....	Jos. A. Canfield.....	125,000	6,000	108	8 x 4	x 8	54	108	48	4	2	
North Carolina.....	Raleigh.....	Wm. H. Thompson.....	No stated chaplain; occasional preaching.....	20,000	12,000	38	18 x 18	x 9	167	401	.....	.....	.....
Ohio.....	Columbus.....	Raymond Burr.....	Orin H. Newton.....	250,000	50,000	1,110	7 x 4	x 7	354	910	239	95	0	
Oregon.....	Salem.....	B. F. Holsclaw.....	Chaplain deceased; services conducted every Sunday by clergymen of the city.....	.....	.....	88	9 x 7	x 8	59	95	30	19	10	
Pennsylvania: Eastern.....	Philadelphia.....	Dr. Townsend.....	Rev. Mr. Rath.....	.....	.....	560	15 x 8	x 10	932	626	.....	.....	.....
Western.....	Allegheny.....	Edward S. Wright.....	J. L. Milligan.....	300,000	38,000	348	15 x 8	x 10	172	422	137	35	0	
Rhode Island.....	Providence.....	Nelson Vial.....	William Douglas.....	100,000	.....	88	8 x 4	x 7	33	74	.....	.....	.....
South Carolina.....	Columbia.....	John B. Dennis.....	Adison Richardson.....	1,000,000	25,000	350	7 x 5	x 6	185	250	90	29	16	
Tennessee.....	Nashville.....	M. W. Brown.....	William C. Cook.....	54,000	10,000	352	8 x 6	x 7	356	744	.....	.....	.....
Texas.....	Huntsville.....	John C. Ward.....	No stated chaplain; resident clergy officiate every Sunday.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont.....	Windsor.....	James A. Pollard.....	Franklin Butler.....	100,000	5,000	104	.....	.....	525	1,150	.....	4	.....
Virginia.....	Richmond.....	G. F. Strother.....	Rev. Mr. Moreman.....	100,000	.....	73	8 x 5	x 8	28	80	24	30	6	
West Virginia.....	Moundsville.....	Wm. L. Bridges.....	W. C. Wilson.....	400,000	15,000	224	12 x 6	x 8	220	782	160	30	0	
Wisconsin.....	Waupun.....	H. N. Smith.....	E. Parker.....	250,000	100,000	560	7 x 4	x 7	81	198	19	2	0	
Montana Territory.....	Deer Lodge City.....	F. M. English.....	None.....	40,000	1,000	14	8 x 6	x 8	11	180	56	5	0	
Utah Territory.....	Salt Lake City.....	Albert P. Rockwood.....	A. P. Rockwood, ex-officio.....	.....	2,000	6	8 x 7	x 6	22	18	14	4	4	
Totals & Averages.....	.....	.....	.....	\$11,250,000	\$1,337,000	14,626	8 x 4½	x 7½	8,729	18,530,490	1,320	341	.....

• No real estate; prison kept in rented building.

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Location.	Warden.	Chaplain.	Average length of sentence.			Whole No. of officers and employes.	Aggregate annual salaries of officers and employes.	Total current expenses for 1873, including salaries.	Prison earnings from—		Total earnings from all sources.
				Years.	Months.	Days.				Labor.	Board and Miscellaneous.	
Alabama	Wetumpka	Larkin Willis.	Henry C. Saul.	4	..	..	28	\$15,000	\$31,182	\$11,375		\$11,375
Arkansas	Little Rock	John C. Ward.	No chaplain.	3	8	23	18	18,000	60,000			
California	San Quentin	Romanildo Pacheco.	Miguel Smith.	..	..	..	64	51,000	149,175	58,083	7,535	65,628
Connecticut	Wethersfield	E. B. Hayes.	G. W. Wooding.	3	11	13	19	9,384	23,622	25,572	880	26,452
Florida	Chattahoochee	Malachi Martin.	Austin McGriff.	4	2	2	16	9,468	19,027			
Georgia	Atlanta	John T. Brown.	No chaplain; only occasional preaching.	8	..	..	..		
Illinois	Joliet	Joseph W. Wham.	A. T. Briscoe.	2	10	25	80					
Indiana	Michigan City	Charles Mayne.	G. C. Pecks.	2	6	..	28	20,000	49,743	57,221	243	57,464
North	Jeffersonville	Lawrence S. Shuler.	John W. Sullivan.	2	..	..	..	16,849	66,806	65,650	1,428	67,078
South	Indianapolis	Sarah J. Smith.	..	2	3	..	5					
Iowa	Fort Madison.	Seth H. Craig.	C. P. Reynolds.	2	10	11	28	18,000	54,000	27,000	8,000	35,000
Kansas	Leavenworth.	Henry Hopkins.	B. L. Baldrige.	5	..	..	48	24,080	66,000	15,000	15,000	30,000
Kentucky	Frankfort	Jeremiah W. South.	J. P. K. South.	2	9	..	23	19,000	93,000			
Louisiana	Baton Rouge	..	..	..	..	..	..
Maine	Thomaston	Warren W. Rice.	No stated chaplain; ministers of Thomaston officiate on Sunday.	2	3	..	23	14,136	29,311	35,076	780	35,856
Maryland	Baltimore	Thos. S. Wilkinson.	No stated chaplain; clergymen of city officiate.	..	..	..	28	32,804	65,466	71,104		71,104
Massachusetts	Charlestown.	S. M. Chamberlain.	S. L. B. Speare.	5	..	..	40	44,475	117,918	131,967	9,388	141,345
Michigan	Jackson	John Morris.	Geo. H. Hickox.	3	7	..	38	31,811	90,276	88,087	2,978	91,065
Minnesota	Stillwater.	Henry A. Jackson.	Wm. J. Johnstone.	1	3	..	23	12,229	31,855	9,084	5,610	14,694
Mississippi	Jackson	Wm. Noonan.	No stated chaplain; resident clergymen officiate.	5	0	28	23	12,000	43,355	43,830	400	44,230
Missouri	Jefferson City	William Woodhurst.	R. C. Talbot.	1	6	..	12	5,360	20,000	1,926		1,926
Nebraska	Lincoln	Presley C. Hyman.	No stated chaplain; resident clergymen officiate.	..	..	..	..	
Nevada	Carson City	..	..	..	..	..	..
New Hampshire	Concord	John C. Pillsbury.	Eleanor Smith.	4	..	..	16	16,140	35,005	17,938		17,938
New Jersey	Trenton	Charles Wilson.	A. H. Warner.	4	2	..	15	7,264	12,889	20,882		20,882
New York	Albany	Lewis E. Carpenter.	Wm. Searls.	4	6	8	53	40,768	112,121	82,712	7,675	90,387
	Auburn	..	..	4	5	2	81	70,075	160,572	117,180	1,689	118,869

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Location.	Warden.	Chaplain.	Average length of sentence.			Whole No. of officers and employes.	Aggregate annual salaries of officers and employes.	Total current expenses for 1873, including salaries.	Prison earnings from—			Total earnings from all sources.
				Years.	Months.	Days.				Labor.	Board and Miscellaneous.		
New York.....	Danmora, Clin. Co	Stephen Moffitt.....	C. Ransom	3	6	..	60	\$55,000	\$319,267	\$151,969	\$555	\$152,324	
New York.....	Sing Sing (male)....	James Williams.....	Jos. A. Canfield.....	3	8	7	102	87,386	25,177	3,648		3,648	
New York.....	Sing Sing (female)...	James Williams.....	Jos. A. Canfield.....	2	8	10	9	5,660					
North Carolina ..	Raleigh	Wm. H. Thompson,	No stated chaplain; occa-	3	..	..	66	28,200	67,915			
Ohio	Columbus	Raymond Burr.....	Orin H. Newton	2	11	6	80	67,434	182,164	171,451	2,959	174,450	
Oregon	Salem	B. F. Holsclaw.....	Chaplain deceased; every										
			ices conducted every										
			Sunday by clergy of the										
			city.....	3	..	..	18	11,627	39,666	16,022	2,017	19,039
Pennsylvania :			Rev. Mr. Rnth										
Eastern	Philadelphia	Dr. Townsend.....	J. L. Milligan	4	4	..	26	24,350	73,494	16,529	5,366	21,885	
Western	Allegheny	Edward S. Wright ..	William Douglas ..					4,004	8,196	10,991	1,005	11,996	
Rhode Island ..	Providence	Nelson Viall	Adilson Richardson	3	3	..	51	21,398	94,006				
South Carolina ..	Columbia	John B. Dennis	William C. Cook	6	2	15							
Tennessee	Nashville	M. W. Brown	No stated chaplain; res-										
Texas	Huntsville	John C. Ward	ident clergy officiate										
			every Sunday										
Vermont	Windsor	James A. Pollard ..	Franklin Butler	3	6	..	10	3,900	13,312	14,330		14,330	
Virginia	Richmond	G. F. Strother	Rev. Mr. Moreman ..	10	..	..	37		77,000	39,000		39,000
West Virginia...	Moundsville	Wm. L. Bridges	W. C. Wilson	3	5	..	24	18,000					
Wisconsin	Waupun	H. N. Smith	E. Parker	2	3	3	25	22,509	56,450	21,799	1,421	23,220	
Montana Territory	Deer Lodge City....	F. H. English	None	6	8	8	5	1,360	4,801	461	94	555	
Utah Territory ..	Salt Lake City	Albert P. Rockwood	A. P. Rockwood, ex-officio,	3	3	4	6	6,060	10,971	3,375		3,375	
Totals & Averages.				4	2	15	1,297	\$854,262	\$2,284,342	\$1,328,682	\$84,191	\$1,413,073	

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Excess of earnings over expenditures.	Excess of expenditures over earnings.	Cost per capita, including salaries.	Number engaged in labor from which revenue is received.	Annual earnings per capita from labor of prisoners engaged in productive labor.	Annual earnings per capita from labor of prisoners.	Average number of hours given to labor.	Kinds of productive labor in the prison.	System of labor.
Alabama .....	.....	\$19,806	\$156	.....	.....	.....	11	Planting, mining, cooperage, saddlery, carriage-making	Contract and state.
Arkansas .....	.....	.....	300	.....	.....	.....	10	Manufacture of brick, wagon-making, mining coals, working on highways	Leased.
California .....	.....	\$8,547	163	531	\$109	\$72	8	Manufacture of wagons, harness, brick, furniture, and boots and shoes	Contract.
Connecticut	\$3,430	.....	128	135	199	146	9	Shoemaking, manufacture of carpenters' rules, and wire	Contract.
Florida .....	.....	10,499	302	.....	.....	.....	10	Farm-work and occasional labor on highways	Contract.
Georgia .....	.....	.....	.....	.....	.....	.....	.....	Building railroads	State and contract.
Illinois .....	.....	.....	.....	.....	.....	.....	10	Shoemaking, stone-cutting, cooperage, manufacture of harness, cigars, butts and hinges	Leased.
Indiana:	.....	.....	.....	.....	.....	.....	.....	.....	Contract.
North	7,721	.....	140	340	108	162	10	Carriage-making, cooperage, chair-making	Contract.
South	282	.....	170	.....	.....	166	10	Manufacture of railroad cars	Contract.
Female .....	.....	.....	.....	.....	.....	.....	.....	Washing, and cane-seating chairs	State.
Iowa	19,000	.....	200	225	120	100	10	Shoemaking, cooperage, furniture, agricultural implements	Contract.
Kansas .....	.....	36,000	109	75	200	46	9	Stone-cutting, manufacture of harness, and boots and shoes	Contract and state.
Kentucky .....	.....	.....	165	.....	.....	.....	9	Cooperage, shoemaking, manufacture of wagons and hemp bagging, smithery	Leased.
Louisiana .....	.....	.....	.....	.....	.....	.....	.....	Shoemaking, manufacture of carriages and harness	State.
Maine	6,545	.....	200	118	297	240	9	Cooperage, harness, shoemaking, tailoring, stone-cutting, cheap clothing	Contract.
Maryland	5,638	.....	112	.....	.....	.....	8	Shoemaking, brush-making, chair-making	Contract.
Massachusetts	23,427	.....	193	460	287	333	9	Bronzed iron ware, moulding	Contract.
Michigan	2,572	.....	146	460	191	143	10	Farming implements, furniture, cigar-making, wagon-making	Contract.

TEXAS	1,019	38,000	165	68	209	177	10	Cloth-manufacture, furniture, carriage-making, shoemaking, tailoring, smithery, carpentry, railroad construction	Leased. Contract.
Vermont			99	350	111	50	10	Shoemaking	Contract.
Virginia							10	Railroad construction	Contract and state.
West Virginia							10	Boat and broom-making, shoemaking, coopering and broom-making	State.
Wisconsin			313	104	209	121	10	Smithing, brick and wagon-making	State.
Montana Territory			240*	14	241	187	8½	Cabinet and chair-making	Contract.
Utah Territory			609					Furniture and sawing wood	Warden manages labor.
								Making roads, canals, and other excavations	
Totals and averages	\$35,038	\$631,332	\$172	6,544	\$173	\$121			

• For six months.

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Average per diem paid for contract labor.	Consideration paid by lessee to the state.	Percentage of prisoners who were unable to read, and of those who read with difficulty on their admission—prisoners, therefore, who were virtually illiterate.	Percentage of prisoners having a fair common school education.	Percentage of prisoners having a superior education.	Percentage of prisoners who admitted intemperate habits.	Percentage of prisoners claiming to be moderate drinkers, but admitting occasional intoxication.	Percentage of prisoners claiming to be strictly temperate.	Warden's opinion as to connection between the use of alcoholic liquors and crime.
Alabama	60 cts.	.....	91	8	1	.....	.....	.....	Experience too short to have formed an intelligent opinion.
Arkansas .....	.....	Holding state harmless of expense	92	5	2	90	10	.....	Drink is undoubtedly the primary cause of crime.
California	41	.....	86	14	0	.....	.....	.....	No opinion given.
Connecticut	60	.....	.....	.....	.....	.....	.....	.....	Our prisoners being mostly farm laborers, drink has less to do with their crimes than in large cities.
Florida	66	.....	77	21	2	0	90	10	Alcohol is the principal exciting cause to the commission of crime.
Georgia .....	.....	No information	20	80	0	58	42	.....	Crimes against the person are largely due to drink, which has less to do with those against property.
Illinois	68	.....	32	64	4	47	25	28	Liquor brings most of our inmates here. One is handmaid to the other, and its almost invariable antecedent.
Indiana: North	57	.....	29	70	1	43	31	26	Seven-eighths of all the crimes committed are due to drink.
South	60	.....	67	33	0	34	33	33	No opinion given.
Female .....	.....	.....	.....	.....	.....	.....	.....	.....	Intemperance is the direct or indirect cause of at least three-fourths of the crimes committed in this state.
Iowa	40½	.....	32	61	7	54	46	0	No opinion given.
Kansas .....	.....	.....	87	10	3	29	69	2	.....
Kentucky .....	.....	\$8,000 per annum	.....	.....	0	50	25	25	.....
Louisiana .....	.....	.....	.....	.....	0	.....	.....	.....	.....
Maine .....	.....	.....	99	1	0	73	9	18	.....
Maryland	46½	.....	.....	.....	67	5	28	.....	.....

	100					0	15	75	10	My opinion is, that strong drink causes four-fifths of the crimes committed.
Massachusetts	100									No opinion given.
Michigan	58½	92	38			0	16	39	45	Am clearly of the opinion that seven-eighths of all who find their way to this place have come here through the influence of liquor.
Minnesota	45	36	57			7	33	47	50	I think them so closely connected that they go hand in hand.
Mississippi	22	86	14			0				Four-fifths of the crimes may be imputed to drink.
Missouri										No opinion given.
Nebraska	42	58	42			0	10	90	0	The connection is very close between drink and crime.
Nevada		58	39			3	64	15	21	No opinion given.
New Hampshire	95	40	55			5				No opinion given.
New Jersey	75						90	0	10	No opinion expressed.
New York										No opinion given.
Anbura	55½	21	72			7	35	36	39	Intemperance is the stepping-stone to nine-tenths of the crime committed.
Clinton		22	78			0	32	37	31	Same as above.
Sing Sing (male)	44	30	70			0	13	40	28	No opinion given.
Sing Sing (female)	22½	77	23			0	11	33	56	They are cause and effect.
North Carolina		84	15			1				No doubt drink is the prime cause (causa efficiens) of most of the crime committed.
Ohio	78½	24	73			3	72	6	22	Whisky makes more criminals than anything else.
Oregon		26	72			2				No opinion given.
Pennsylvania :						0				The connection is very close.
Eastern		40	60							My opinion is that if intoxicants were entirely eradicated, the Vermont state prison would be large enough to hold all the criminals in the United States.
Western	50	38	56			4	26	39	35	Drink has much to do with crime.
Rhode Island		10	90			0				No opinion given.
South Carolina		100	0			0	80	15		The connection is very close.
Tennessee										My opinion is that if intoxicants were entirely eradicated, the Vermont state prison would be large enough to hold all the criminals in the United States.
Texas		65	35			0				Drink has much to do with crime.
Vermont	70									No opinion given.
Virginia	40	95	5			0	90	10		I think that three out of four of our inmates are here from the effects of liquor.
West Virginia		63	37			0	66	0	34	About one-third of the crime that comes under my observation is due to strong drink.
Wisconsin		42	53			5	36	50	14	
Montana Territory	62½	66	34			0	50	50		
Utah Territory		18	64			18	9	73	18	
Totals and averages		48	51			1	40	39	21	

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

[illegible]

Maine	45	73	5	0	100	91	9	1 1/2	Praising every Sunday	Prayer, singing and re-
Maryland	32	66	4 1/2	0	...	59	11	3	Praying and S. School every	marks.
Massachusetts	16	71	2	0 1/2	65	45	55	1 1/2	Sabbath	Ordinary service as outside
Michigan	23	68	2 1/2	0 1/2	72	70	30	1	meeting every Sunday	Reading Scriptures and
Minnesota	10	73	27	0	63	58	42	0	Praying every Sunday	Singing and pray e in hos-
Mississippi .....	...	...	14	18	...	93	7	12 1/2	Ordinary services by chaplain	pital.
Missouri	0	84	2	0	80	84	16	0	once on Sundays	Customary services as out-
Nebraska .....	...	...	...	...	...	...	...	...	Praying every Sunday	side, officers and convicts
Nevada	21	60	5	0	63	54	46	0	Praying every Sunday morn-	attending.
New Hampshire	25	67	5	0	79	82	18	2 1/2	ing	None.
New Jersey	11	43	7 1/2	0 1/2	...	63	37	1 1/2	Praying twice every Sunday	Service as outside.
New York	18	70	2	0 1/2	...	68	32	1	prisoners' prayer meeting Wed-	None.
Auburn .....	...	...	...	...	...	...	...	...	nesday evening	None.
Clinton	35	76	2	0 1/2	...	77	23	2 1/2	Praying every Sunday	Precisely same form ob-
Sing Sing (male)	29	73	2	1 1/2	...	62	38	1	S. School one hour each Sunday	served as in society; re-
Sing Sing (female)	14	52	2	1	...	35	65	2	followed by divine service,	mains interred in city
North Carolina	22	63	9	0 1/2	75	100	0	5 1/2	choir composed of inmates,	cemetery.
Ohio	19	...	3	...	...	80	20	4	organ and other instruments.	Customary service as out-
Oregon	8	78	10	0	40	71	29	0	S. School followed by regular	side.
Pennsylvania :	13	47	...	0	...	...	...	...	praising service	Regular service.
Eastern	19	73	...	0 1/2	80	80	20	1 1/2	S. School	As above.
Western .....	...	...	5	...	...	...	...	...	Occasional preaching	None.
Rhode Island	9	61	1 1/2	0	80	72	28	1 1/2	Praching, S. School, prayer	Short service in hospital.
South Carolina	30	84	40	0	100	100	0	1	and conference meetings .....	...
Tennessee .....	...	...	11	10	85	96	4	10	Praching every Sunday, also	Same as outside; all the
Texas	14	71	3	4	...	91	9	3	Service every Sunday	prisoners are assembled
Vermont .....	...	...	0	0	71	71	29	1 1/2	Sunday School in afternoon...	in chapel.
Virginia	18	77	14	0 1/2	95	96	4	3 1/2	Sunday School and service every	Ordinary Christian burial.
...	...	...	...	...	...	...	...	...	Sunday .....	...
...	...	...	...	...	...	...	...	...	Sunday School and preaching ..	...
...	...	...	...	...	...	...	...	...	Praching and Sunday School	...
...	...	...	...	...	...	...	...	...	every Sabbath .....	...
...	...	...	...	...	...	...	...	...	Praching every Sabbath .....	...
...	...	...	...	...	...	...	...	...	Sunday School and preaching	Regular funeral service; all
...	...	...	...	...	...	...	...	...	every Sunday	attend.
...	...	...	...	...	...	...	...	...	Praching and Sunday School	None.
...	...	...	...	...	...	...	...	...	every Sabbath .....	...

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Percentage of minors received in 1873.	Percentage of prisoners under 30 years, including minors.	Percentage of prisoners pardoned, exclusive of those discharged by commutation.	Percentage of prisoners who escaped last year without recapture.	Percentage of prisoners who had not learned a trade.	Percentage of native born prisoners received in 1873.	Percentage of foreign born prisoners received in 1873.	Percentage of deaths in 1873, on average number of inmates.	Religious Services.	Funeral Services.
West Virginia	38	76	.....	0	40	.....	40	1	Preaching every Sunday	None.
Wisconsin	10	22	8	0	56	.....	.....	.....	Preaching and prayer meeting every Sunday	Regular burial service.
Montana	0	25	31	0	64	64	36	0	Preaching and Sunday School every Sunday	None.
Utah	0	47	22	4	54	32	68	0	Service every Sunday, generally held by a high priest of the church of Jerusalem of Latter Day Saints	Prison established 19 years and not a prisoner has died in it.
Total and Averages ..	21	67	5½	1½	70	75	25	5½		

TABULAR VIEW OF PRISON STATISTICS FOR 1873—Continued.

STATE.	Provision for secular instruction.	No. of volumes in library.	Regulations relating to correspondence of prisoners.	Regulations relating to receiving visits.	Disciplinary punishments in use.
Alabama	None	No library.	Prisoners can write monthly at expense of state; weekly at expense of friends, under supervision	May see their friends at discretion of warden; frequency depends on conduct.	Solitary with diminished rations, straight jacket, ball and chain, lash.
Arkansas	None	No library.	May write once a month under supervision	Friends may visit prisoners whenever they choose.	Solitary, and ball and chain.
California	School for two hours after Sunday service.	2,976	No restriction; all letters examined	As often as they please.	Dungeon on short rations and shower-bath, lash, and loss of credits.
Connecticut	No school; chaplain gives lessons in cells	1,300	May write letters every six weeks under supervision	Whenever friends call, in presence of an officer.	Solitary, and ball and chain.
Florida	None	40	May write monthly and receive all approved letters	Not oftener than once in eight weeks.	Solitary confinement.
Georgia	School three evenings a week; 150 attend, in three classes	4,000	Convicts may write once in five weeks	Monthly, and oftener by special leave	Loss of "good time," forfeiture of privileges, solitary on bread and water, and ring bolt.
Illinois	None	600	May write every two weeks and receive letters weekly	May receive visits at any time.	Lash in extreme cases; loss of credits; privations of privileges and shackles.
Indiana	None	No library.	No restriction	Not fixed	Dark cell, ball and chain, and privation of privileges.
Iowa	Evening school.	1,550	May write every two weeks to family friends	Visits permitted at any time.	Solitary, on light diet.
Kansas	None		One letter every six weeks.		Dark cell, shaving head, ball and chain, privation of privileges.
Kentucky	Instruction in classes two hours on Sunday; instruction in cells during week by chaplain	1,400	Write first Sunday of each month, and business letters oftener if necessary	A visit may be received every three months; sometimes of tenor, depending on the character of visitor	Privation of privileges; solitary on bread and water; ball and chain in extreme cases.
Louisiana	Instruction every Sunday by best educated prisoners, under supervision of chaplain	600	Every three months; oftener if business requires.	No special rule; whenever friends call, if not too often.	Locking in cells on Sunday; shower-bath and lash, not exceeding ten strokes.
Maine	None	550	Allowed to write one letter per week	Whenever friends call.	Locking in their own cell, or in darkened cell.

TABULAR VIEW OF STATE PRISON STATISTICS FOR 1873—Continued.

STATE.	Provisions for secular instruction.	No of volumes in library.	Regulations relating to correspondence of prisoners.	Regulations relating to receiving visits.	Disciplinary punishments in use.
Maryland	None	500	Once a month.	Once a month; oftener if sick.	Solitary. curtailment of food, lash in extreme cases.
Massachusetts	Evening school twice weekly from October to May	3,200	Once every three months; oftener by special leave.	Same as correspondence.	Dark cell, and withdrawal of privileges.
Michigan	None beyond that afforded by library	1,900	Once a month under official inspection	No fixed rule.	Privation of privileges, solitary without food, iron cap, showering, and whipping as a last resort.
Minnesota	None	600	Once a fortnight.	Whenever friends call, in presence of an officer.	Dark cell on bread and water. Stocks, solitary, dark cell.
Mississippi	None	300	One letter monthly.		Stocks; punishment seldom necessary.
Missouri	None	300	One letter per week may be written.	Monthly.	Dungeon on bread and water, fetters, ball and chain, and stocks.
Nebraska	None	300	Convicts are allowed to write two letters every Sunday.	As often as friends call, except Sunday between 2 and 3 P. M.	
Nevada	Instruction in cells by chaplain.	1,500	May write once a month and receive all unobjectionable letters sent them.	Allowed to see only nearest family relations; no fixed time.	Solitary on bread and water is the extreme.
New Hampshire	None	2,500	Once a month.	Once a month.	
New Jersey	Four teachers for 1½ hours 5 nights each week; progress very satisfactory.	1,780	Every three months; rule but nominal, as permission to write extra letters is freely granted.	Near family relations quarterly; necessary business interviews at any time in presence of an officer.	Dungeon, cell, ball and chain, and partially shaving the head.
New York	Two teachers as above.	2,400	Convicts permitted to write monthly.	No fixed rule.	Dark cell, pulleys, ball and chain, and shaving the head.
Auburn	Four teachers as above.	3,750	Once every three months; oftener by special leave.	Once in three months; oftener by special leave.	Dark cell on bread and water; withdrawal of privileges.
Clinton	One lady teacher as above.	275	As above.	As above.	Dark cell on bread and water; cutting hair close.
Sing Sing (male)	None	No library.	Once a month.	Once a month.	Dark cell; rod in special cases.
Sing Sing (female)	None	3,000	With family friends often; on business, at discretion of warden.	Family friends visit frequently.	Dark cell, handcuffs, fastening to a ring.
North Carolina	None				Dungeon, shackles.
Ohio	Prison school five evenings in the week	600			

[illegible]

GENERAL REMARKS.

1. The total average population of the forty-four state prisons, included in the foregoing tables, is 18,528.

2. It appears that none of our thirty-seven states are at present without state prisons except Delaware, which makes use of the county jail at Newcastle for the confinement of its convicted felons. New York has four state prisons,—three for men and one for women. Indiana has three,—two for men and one for women. Pennsylvania has two, both of which receive prisoners of the two sexes. Iowa has created a second state prison at Anamosa, but no returns have been received from it, nor am I certain whether it has yet been opened. Massachusetts has recently enacted a law creating a state prison for women, and may therefore be said to have two, though one of them is still to be constructed. This gives a total of forty-four state prisons for the whole United States. Several of the territories have convict prisons, but from only two of them—Montana and Utah—have any reports been received.

3. One of the forty-four prisons included in these tables confines its prisoners on rented premises. Of thirty-five, the aggregate value of the real estate, as given on the estimate of their wardens, is \$11,250,000. By a proportionate calculation based on the relative populations of the states at the last census (1870), the value of the real estate of the other eight prisons would be \$2,500,000, thus giving a total of real estate, for all the state prisons in the country, of \$13,850,000. The personal property of thirty prisons is valued by the authorities at \$1,337,000. By a like proportionate calculation, the value of the personal property belonging to the other fourteen would be \$565,000, giving an approximate total valuation of \$1,947,000 for the whole country. Thus we have, by close approximation, as the aggregate value of the real and personal property of all the prisons embraced in the foregoing tables, a grand total of \$15,797,000, equal to \$343,413 to each prison.

4. The number of cells (reported and estimated) in the forty-four prisons embraced in the tables, is 16,125, being 2,395 less than the average number of prisoners in confinement therein for the year under review; but of these cells some are intended for two pris-

oners ; others for four ; and others are large rooms, that will serve as dormitories for a considerable number. However, the average dimensions of the cells (including the large rooms) is eight feet in length, four and a half feet in width, and seven and a quarter feet in height ; giving, for the average contents of each, about 240 cubic feet. The intelligent medical officer of the California prison, as we have seen, declares that the laws of physiology and hygiene require at least 500 cubic feet of well-ventilated space for the sleeping cell of each individual, so that, according to his view, the average space in cubic feet for each prisoner is only about half of what is needed to give the best conditions of health.

5. The column for officers and employes in 36 prisons foot up 1,227. Adding 268 as the *pro rata* estimate for the remaining eight prisons, we have a total for all of 1,495, or one to every twelve and a half prisoners. The aggregate annual salaries paid to these officers in thirty-five prisons are \$854,262, to which must be added (by comparative estimate) for the other nine \$158,463, making a total for annual salaries of \$1,012,725, and giving an average salary of \$671. If this seem but a moderate stipend in these expensive times, it must be recollected that many of the employes get their living, in addition to the cash compensation paid them. Yet, giving to this consideration all the weight that properly belongs to it, we must admit that the remuneration paid is not sufficient to command the talent and qualifications needed for the service, though perhaps quite an equivalent for the quality of work actually done.

6. The total ordinary expenditures of the prisons in thirty-four states amounted to \$2,284,342. A *pro rata* estimate for the other ten prisons gives for them an aggregate sum for current expenses of \$761,447, and a grand total for all of \$3,045,789.

7. The aggregate earnings from labor of twenty-nine prisons foot up \$1,328,882, and of income from other sources, chiefly for the board of U. S. prisoners, \$84,191. Putting these two sums together, we find the earnings from all sources to be \$1,413,073, which gives an average of earnings to each prisoner on the entire populations of these prisons of \$121 ; or, since there were in them 6,544 prisoner engaged in productive labor, it gives an average of earnings to each prisoner belonging to this latter class of \$173. Eighteen prisons had deficits, amounting in the aggregate to \$631,332, and twelve had an excess of expenditures over earnings, amounting to \$85,588, giving a clear deficiency in the thirty prisons reporting of \$545,744.

8. The average *per capita* cost of the convicts in the state prisons (including salaries) was \$172, and the average *per capita* earnings, as seen in the last paragraph, taking the whole prison population, was \$121. The three most economically administered prisons were those of North Carolina, Virginia, and Rhode Island, in which the annual cost of each prisoner (salaries included) was, severally, \$89, \$99, and \$101; the three most expensive prisons were Utah, Nebraska, and Nevada, the *per capita cost* in these being respectively, \$609, \$454, and \$383. But there are six others in which the cost reached or exceeded \$300 each, viz.: South Carolina, \$376; Minnesota, \$352; Wisconsin, \$313; Oregon, \$312; Florida, \$302; and Arkansas, \$300.

9. The column devoted to an exhibition of the several kinds of productive labor pursued in our state prisons is highly interesting. There is scarcely any sort of industrial labor which has not its representative among the prison employments. In Texas the prisoners manufacture all sorts of cotton and some of woollen goods; make wagons, furniture, boots and shoes, etc., etc. In the same state and in Georgia, Alabama, Mississippi and Tennessee, they build railroads, work mines, raise cotton, etc. In one of the prisons of New York, the mining and manufacture of iron and the making of nails are extensively carried on; as are quarrying and stone-cutting at another of the New York prisons, and at those of Illinois and Nevada. One of the most profitable branches of labor at Sing Sing is that of laundry work, at which 100 men are now, and 500 are soon to be, employed. Their occupation is simply the washing and doing up of new-made shirts for a large shirt manufacturing establishment in New Jersey. Wagon and carriage making is successfully pursued at the state prisons of Maine, Indiana (north), Arkansas, California, Kentucky, Mississippi, Michigan and Ohio. In Utah the prisoners dig canals and build roads, and the latter occupation is pursued to some extent in Arkansas. Brickmaking is extensively and profitably prosecuted in Arkansas, California, North Carolina, Oregon, and West Virginia. Hemp bagging is largely manufactured in the Kentucky penitentiary. Saddlery and harness-making are important branches of industry in the prisons of Alabama, Illinois, Kansas, Maine, Maryland, New York (Clinton and Snig Sing), Ohio and Oregon. Agricultural implements are manufactured in the penitentiaries of Iowa and Ohio; and all sorts of bedsteads in New Hampshire. The sole industry of the prison of Indiana (south) is the manufacture of railroad cars in all its branches, which is found to be an excellent occupation for the prison-

ers. An important branch of labor at the Connecticut state prison is the manufacture of carpenters' rules, as was also the burnishing of silver ware, till it was found prejudicial to the health of those engaged in it. Wire-weaving is carried on in two prisons ; the making of bolts and hinges in one ; the manufacture of stoves in one ; of edge tools in one ; of brushes in two ; of car wheels in one ; of bronzed iron-ware in one ; of cigars in five ; of machinery in one ; of axles in one ; moulding in three ; chair-making and chair-seating in eight ; weaving in three ; cabinet-making in six ; broom-making in one ; cooperage in nine ; and boot and shoemaking in twenty-one. Something is done at carpentry, painting, tailoring, and smithery in nearly all. Several prisons have lately turned their attention to farming, notably those of Alabama and Florida, where it is intended to make agriculture the principal industry.

10. The contract system of labor prevails exclusively in twenty of the state prisons ; the leasing system exclusively in six ; state management exclusively in ten ; and a mixed system in seven, where a part of the labor from which cash revenue is received is let to contractors, and another part is managed by the authorities on state account. I will not here undertake an analysis of the pecuniary results yielded by these several systems of labor. While the money results of prison management are by no means to be ignored, especially as fruitful industries in a prison have a moral as well as a financial value ; yet money-making, in itself, holds but a subordinate place in that management. Undoubtedly, more attention is due to the reformation of the convicts than to the realization of profits from their labor. While the two are by no means incompatible, the former is of primary, the latter of only secondary, importance. The one is fundamental ; the other merely incidental. If the first is accomplished, the great end is gained ; and whatever it may have cost, it will be found cheapest in the long run.

11. The connection between ignorance and crime will be patent on an inspection of the column which, gives the proportion of illiterate convicts. While only one in a hundred is returned as having a superior, and only fifty-one as having a tolerable common school education, forty-eight per cent. are reported as illiterate, that is, either as unable to read or as reading with difficulty, and therefore having no such mastery of that art or of the sister art of writing as to make them a source of either entertainment or profit.

12. That drink is a prolific source of crime, will be apparent from a glance at the column devoted to that subject. Forty per cent.

acknowledged themselves to be in the habitual excessive use of intoxicants; thirty-nine per cent. claimed to be moderate drinkers, with only occasional excess; and twenty-one per cent. claimed to be either total abstainers or at least strictly temperate. But these answers were given upon a hurried and perfunctory examination, such as is customary on receiving prisoners. Some, perhaps many, answered with conscious falsehood; but more with but confused notions of what constitutes intemperance, and of the boundary which separates it from moderation. In my conversations with hundreds upon hundreds of criminals, fully three-fourths of them have admitted that they were addicted to an excessive use of alcoholic liquors. "If it had not been for the grog-shop, I should never have been here," is the stereotyped complaint that issues from every cell, and swells, in melancholy chorus, through all the halls and corridors of our prisons. Of other causes of crime it may be said that they have "slain their thousands;" of this, that it has "slain its ten thousand."

The question was put to the wardens of the several state prisons, "What is your opinion as to the connection between strong drink and crime? The answers returned all look one way. Mr. Pollard, of Vermont, does but echo the general sentiment, though putting it more sharply than most, and perhaps indulging a little in hyperbole, when he says: "My opinion is, that if intoxicants were totally eradicated, the Vermont state prison would be large enough to hold all the criminals in the United States."

13. The column which gives the percentages of minors immured in our state prisons has a melancholy interest. More than one-fifth of the prisoners had not reached their majority at the time of their committal; in one the proportion was within a fraction of half; and in others it was nearly a third. More than one-fifth of all the inmates of these grim abodes of guilt and crime and wretchedness minors—mere boys, ranging from twenty years down even to the child that has scarcely reached his teens! Who can contemplate such a fact, and not ask himself, how far am I, in common with the rest of society, by my selfish indifference and neglect, responsible for this state of things? And will not all good citizens be moved by such an exhibition, first to devise and carry out preventive agencies to save these children from falling into crime, and then, when they shall have so fallen, to found reformatory homes—houses of discipline, in which curative, healing influences may be applied to them, through which they may be "redeemed, regenerated; and disenthralled?"

But there is another column closely connected with this, which has its lesson as well. It shows that, on the average, two-thirds of the inmates of our state prisons, including of course the minors, are under thirty years of age, the great majority of whom are doubtless undergoing their first imprisonment in establishments of this sort. Does not this fact point distinctly to the institution of separate prisons for the younger class of criminals, and especially of such of them as are imprisoned for a first offense? This class are too old for reform schools as at present constituted, and too young to be safely shut up with practised and hardened transgressors. Should not prisons be provided for them, where greater attention may be, and shall be, given to educational and industrial training, than is ordinarily practicable in institutions designed for criminals of a more advanced age—institutions that might be made to assume more the character of a well-conducted farm school, or industrial reformatory, than of an ordinary prison?

14. The proportion of prisoners pardoned in 1873 to the aggregate average number confined in state prisons during the year was five and one-third per cent. In 1865 Professor Dwight, of the Columbia College Law School, and the undersigned, as commissioners of the New York Prison Association, made an investigation on this point and found that, at that time, the percentage of prisoners pardoned in the whole country was seventeen. By investigations made by me as secretary of the same Association in 1868 and 1869, the pardons were for those years, respectively, thirteen per cent. and ten per cent. No examination of this matter has been made since the latter of these dates till that for the last year, whose results are recorded in these tables, and which shows a decrease of pardons to five and one-fifth per cent., as above stated. There can be no doubt that, heretofore, the desire and expectation of executive clemency on the part of prisoners, absorbing, as it has done, a very large share of their thought, anxiety and effort, has been a serious obstruction to their reformation. They are always planning, hoping, working to get out; and this makes them uneasy, irritable, and indisposed to yield themselves to reformatory agencies and influences. The true method is to place our prisons upon a proper basis, render the administration permanent, put the prisons in the hands of competent officers, make them really adult reformatories, and then say to the criminal on his commitment: "When you show yourself a reformed man, when you convince us by satisfactory evidence that it will be safe to let you be at large, you can go—but not before." This would put every man's

pardon in his own hands, and free our governors from a world of anxious toil, and from a responsibility to which they ought not to be subjected. No doubt the principle of executive clemency should be retained, but its exercise should be, if not by law, at least by usage, limited to exceptional cases, and not, as heretofore and now, made the ordinary resort of criminals, whose money or social position enables them to command the influence necessary to secure their liberation, in many cases, long prior to the time when it would be effected by the operation of law.

15. There is another lesson which lies upon the surface of the tables, viz. : that the want of a trade is a potent occasion of falling into crime. Nearly three-fourths of the convicts made no pretence to having acquired a trade ; and of the remainder, more than a moiety, there is reason to believe, had done so in a very imperfect degree. This presumption is based upon the carefully prepared and very accurate statistics of the Eastern penitentiary of Pennsylvania, from which it appears that of the convicts committed to that prison who had been apprenticed, only one-third served out their time, while the remaining two-thirds left before its expiration, and consequently, though claiming to be artisans, they were not so in fact.

16. The ratio of foreigners in our state prisons, taking the whole country together, is out of all proportion to that which exists between the total population of native-born and foreign-born inhabitants, being just twenty-five per cent. In the northern states this disproportion is much greater, the two classes of criminals in them being very nearly equal.

17. As regards religious instruction, the greater part of the prisons have stated chaplains, and in most of those where this is not the case, provision is made for regular religious services on the Sabbath. In only one, however—that of Connecticut—is there a daily service of prayer. What prison shall be the first to follow this good example ? The practice formerly existed in the Massachusetts prison, but it appears to have been discontinued. In seventeen of the prisons Sunday schools are regularly maintained, and in thirteen weekly prayer meetings are held, conducted chiefly by the prisoners—always, however, in the presence of officers.

18. The usage varies in regard to funeral services. In very many of the prisons there are none whatever ; in some there is simply a prayer offered, accompanied or not by the reading of a portion of scripture ; in not more than a fourth does there appear to be a full funeral service at the burial of a convict. The chaplain of the

Western (Pa.) penitentiary—Mr. Miligan—says: "All the prisoners are assembled in the chapel, and the same services are held as outside." This is as it should be, and it is to be hoped that the same usage may soon be adopted in all. Good influences are not so abundant in prisons that the opportunity afforded by the death of a comrade can be thrown away without loss; and least of all should it be made the occasion of irritation and discontent by the practical declaration that the burial of a dog is good enough for a convict.

19. The intellectual and educational opportunities afforded in our state prisons are slowly increasing. The number of volumes in their libraries returned for 1873, by thirty-three prisons is 50,663, showing an average number of volumes for each prison of 1,535. The number returned by sixteen prisons in 1868 was 16,825 volumes, being an average for each of 1,051. The average increase of volumes per library during these five years has been 484, or nearly fifty per cent. Within the same time the facilities for the scholastic instruction of prisoners have increased in a still greater ratio. From statistical returns made in 1868, it appears that at that time there were but three regularly constituted schools in all the state prisons of the country, and that instruction was given in the cells by only ten teachers. In 1873 the number of prison schools had increased to ten, and the number of teachers giving lessons to individual prisoners in their cells to fifteen. It is quite true that most of these prison schools are very imperfectly organized, and far too little time is given to the business of instruction; but at least it is something to have made a beginning, and it only remains, in such cases, to "go on unto perfection." Let the authorities of those prisons in which no schools have yet been organized read and ponder the testimonies given in their favor by the prisons which have instituted them, however imperfect and limited their means of instruction; and let them be incited thereby to a speedy and more perfect work of the same kind.

20. In the matter of correspondence and visits, the practice in different prisons varies from a letter and a visit once in three months, to the extension of these privileges to a frequency limited only by the desires of the prisoners and the calls of their friends. It will, I think, be generally agreed that the *juste milieu* lies between these two extremes. Both these points need careful study and wise adjustment. Correspondence and visits might be made potent agents in the matter of discipline, by making their frequency or rarity depend upon the good or ill conduct of the prisoner. The rule adopted in

some prisons that, in all ordinary cases, correspondence should be had with, and visits received from, near family friends only, might be advantageously extended to all.

In many of the answers received it is formally stated that letters, whether sent out or received, are subject to inspection, and that all visits must be in the presence of an officer ; but, whether so stated or not, both rules, I think, are universal.

21. It is gratifying to notice that, in the maintenance of order and discipline in the prisons, increasing reliance is placed on moral forces, while physical force is coming into a diminished esteem and use. But the lash still maintains its place in some prisons. Let it be banished in *secula seculorum*. Recourse is now seldom had to scourging in the great prisons of Europe ; and wherever it has been discontinued, the unanimous testimony is that its disuse is an equal gain to the discipline and the moral power of the prison. It is possible to subdue a man, to break his spirit, by flogging ; it is not possible to improve him morally by such a punishment. In many convicts, punishment by scourging excites undying hate. An indignity has been offered to their manhood, which they can neither overlook nor forget. To a convict who had been refractory, but whose subsequent quiet behavior had given hope of a radical amendment, his chaplain said : “ Well, my good fellow, I hope that you have no bad feelings now, and that you have driven that nasty black dog off your back.” “ He replied,” says the chaplain in narrating the case, “ with a shrug, and a sneer, and a smile on his large white face like a moonbeam on a field of snow, ‘ Oh ! of course, sir.’ ‘ Come, I don’t like the way you say that ; I fear you have bad feelings still.’ ‘ Do you know, sir, that I was in this prison before ?’ ‘ I did not know it.’ ‘ Well, I was, sir, five or six years ago ; and *they flogged me*. I have the marks of the lash on my body, *When they wear out, I shall forget and forgive it.*’ ”

22. No less than fourteen states publish complete lists of their inmates, and some others partial lists, viz., of those who have been discharged during the year. I have already commented on and condemned this practice in my report on the state prison of Alabama and of some other states. In the report on Alabama these words were used : “ The effect of such publication is to advertise the criminal to the world. It is almost equivalent to the title of thief, burglar, counterfeiter, or the like, branded on his forehead. It must prove a formidable impediment in the way of obtaining honest work, and thus become the means of driving many a well-disposed and well-intentioned

convict back to crime and to prison." Reference was there made to Jean Valjean, a character of fiction, but having many counterparts in real life. The authorities of two state prisons—those of Illinois and Indiana (north)—which formerly published such lists, have now dropped them for the reason put forth above. The commissioners of the Illinois prison say: "Instead of the long lists of the names of the prisoners, description of their persons, etc., thus heralding the shame of the convict to the world, and degrading his relatives and his posterity, will be found tables," etc., etc. The warden of the Indiana prison says: "The long list of the names and descriptions of the prisoners has been omitted, for the reason that I do not think it right to publish such a statement. It is an injustice to the prisoners to publish to the world their shame, thus degrading their relatives and descendants as well as themselves." The directors concur in and reinforce this view, and speak of the practice as "weakening the incentives to honest industry," which they believe that "many prisoners carry with them when discharged." The attention of authorities of all the prisons that now publish these lists is respectfully called to this question, and their best consideration of it solicited. The hope is felt that they will see the matter in its true light, and will discontinue a practice fraught with much evil and no good, and which, besides, is attended with considerable expense.

23. Eight prisons—namely, those of California, Illinois, Kentucky, Minnesota, Nebraska, Oregon, Texas and Vermont—publish biennial instead of annual reports. It is presumed that this usage is, for the most part at least, the result of biennial sessions of the legislatures. But there is no necessary connection between these things, since the state prisons of Indiana publish annual reports, though her legislature meets only biennially; while, quite the reverse, the Vermont prison issues its report biennially, though the Vermont legislature holds annual sessions. Annual reports have at least two advantages over biennial reports: 1. Being more frequent, they keep in more constant activity the interest and sympathy of the public in the prisons. 2. The annual statistics are made out with difficulty, and not always, it is to be feared, with accuracy, from the biennial reports. Will not the legislatures of the states interested take this matter into consideration, and, if there exist no serious objections, change the rule so as to make their prison reports annual instead of biennial?

24. The column giving the average length of sentences (of course not counting the life sentences) in each prison and the general average for the whole country, offers to the student of penology a curious

and interesting study. The latter, it appears, is four years, two months and fifteen days; while the former vary all the way from a maximum of ten years (Virginia) to a minimum of one year and three months (Minnesota). The tendency to long sentences is found to be in the southern states, where the general average of the four states (Virginia, Georgia, Tennessee and Mississippi) giving the highest, is seven years and three months, while the general average of the four northern states (Minnesota, Nebraska, Wisconsin and Maine) giving the lowest, is one year and ten months; and between these two extremes the tendency is generally, not to say uniformly, in the same direction. This extreme diversity in the length of sentences shows very clearly the importance of the work proposed by the National Prison Association, viz., of preparing and proposing to the several states a uniform system of criminal law, as well as of penitentiary treatment and of preventive and reformatory work as related to juveniles. And not only does the diversity in the average length of sentences point in this direction, but, as well, the individual sentences given in particular cases. For instance, in one state a child twelve years old was sentenced to twenty years' imprisonment at hard labor for burglary, which, one is almost tempted to say, ought to send the judge who imposed the sentence to work by his side! In any country of Europe such a child would have been sentenced by the tribunal trying him to a house of correctional education (reform school), as having acted *sans discernement*, that is, without any just knowledge or appreciation of the nature of the act he was committing.

PART SECOND.

HOUSES OF CORRECTION.

There is a class of prisons in the United States, holding a middle place between the state prison and the county gaol, which may fitly enough come under the general designation of "houses of correction." They have, however, different names in different states, but their general character and office are substantially the same, wherever found. They are prisons designed for the treatment of persons found guilty of the lighter class of offenses—misdemeanants—although felons sometimes receive their punishment in them. This class of prisons is by no means as numerous as would be desirable, nor always as well managed as they should be. I am not sure that the following statement comprises all establishments of this class, but believe it to be substantially correct.

In Massachusetts, every county has a house of correction under that name, generally in connection with the county jail and under the same administration.

Rhode Island has one prison belonging to this class, called a work-house.

New York has six, under the title of penitentiaries.

Pennsylvania has two—one at Philadelphia, called a house of correction, and the other at Claremont, Allegheny county, called a work-house.

Michigan has one, under the name of house of correction, at Detroit.

There are two in Ohio—a workhouse at Cincinnati and a house of correction at Cleveland.

Wisconsin has a house of correction at Milwaukee.

Illinois has a house of correction at Chicago.

Kentucky has a workhouse at Louisville, and Missouri has one at St. Louis.

California has, or rather is about to have, a house of correction at San Francisco.

1. *California.*

The house of correction, referred to in the preceding paragraph, is not yet ready for occupancy. All that has come to my knowledge

in regard to it is contained in the following extract from the annual report of the Rev. James Woodworth, secretary of the California Prison Commission, under date of December, 1873 :

The New York Prison Association, in a report made to the New York legislature some time ago, presented a number of designs for model prisons, of various grades, from an ordinary station-house or lock-up to a penitentiary or state prison. These designs were the result of much observation and study. They were gotten up with great care, and made to meet the approval of the most experienced prison officers in the country, and to embody all the points which their experience had satisfied them were desirable. Their actual preparation was the work of Gridley J. F. Bryant, of Boston, one of the most accomplished architects in the east, and one probably as well versed in prison architecture as any other in the United States. A copy of the design for a model house of correction being placed in the hands of the Building Committee of our Board of Supervisors, after they had been instructed to present a plan for such an institution here, they were, on examination, so well pleased with it that they resolved to make its general features the basis of the plan for which proposals were to be invited. A large number of plans were submitted by the architects of the city, but after long and careful consideration, choice was made of the one drawn by Messrs. Bugbee & Son, and, without disparagement of any one, I will say that in my opinion a better selection could not have been made. It is a noticeable fact in this connection, that in preparing the plan they followed more closely the design recommended by the New York Prison Association than any of their competitors.

2. *Illinois.*

A prison of the class under review has long existed at Chicago, under the designation of "bridewell." It was an establishment, to say the least, not of a high order, and two years ago it was, happily, replaced by an entirely new institution, with a change of name as well as of character, being now called a "house of correction." With this change of title came, also, as was fit, a change of administration. The authorities in charge had the wisdom to call to the wardenship of their new prison Mr. Charles E. Felton, who had been for nine years superintendent of the Erie county penitentiary, at Buffalo, N. Y. Mr. Felton is one of the most experienced, able, and successful prison governors that our country can boast.

There is lying upon my table a handsome pamphlet, containing the first and second annual reports of the inspectors, superintendent, and physician of this establishment. They are exceedingly interesting documents, and show good work done, in many ways. It would be pleasant and instructive to cite from them copiously, but want of space forbids. The board of inspectors state the character and purpose of the prison as follows :

The construction of the house of correction was made necessary by the insufficiency and inappropriateness of the old city prison, formerly known as the bridewell. It is

chiefly intended as a place for the confinement of persons who have been convicted of violating the ordinances of the city, and are unable to pay such fines as are imposed upon them. Other prisoners may be received, as power is conferred by law upon your board to make contracts for the care of prisoners convicted of crimes and misdemeanors in any county in the state; and power is given to this board, also, to enter into contracts for receiving and keeping United States convicts. Prisoners received for violation of ordinances are imprisoned one day for every fifty cents of the amount of the executions against them, or until discharged by payment of balance due, or by appeal, or otherwise. All others must be sentenced for definite periods of time, not less than thirty days each.

It is not to be wondered at that in a prison so constituted the terms of imprisonment should be very short. Accordingly we are told that for 1872 the average stay in the prison was but twenty-three days, and for 1873 it was only twenty-eight. Nor is it any more matter of surprise that, with sentences of such brief duration, there should be difficulty in employing the prisoners so as to make their labor yield a revenue to the prison. It is, therefore, quite natural that the superintendent should say, as she does:

Whenever the labor of an institution of this kind is placed in the market, very little competition is obtained—indicating a want of confidence in its worth, or a fear as to the ease of its management. This was found to be the case when the board invited proposals for the labor, early in the year. This distrust is without cause. The labor can be utilized at many kinds of mechanical industry, and its management is not subject to as great annoyances as are often experienced with free labor. Prisoners have a wish for employment—they do not like idleness while in prison—and are apt in adapting their talent to any industry they are placed at, and employers are in error in thinking otherwise. There is a larger average of intelligent labor in this than in many other city prisons, and the results of the year's experience should give confidence in its productiveness, if proper employment is secured.

This last observation is perfectly just, as the facts in the case show. Finding it impossible to let the labor advantageously, the authorities resolved to manage it themselves, and accordingly instituted the manufacture of brick. The result was that, even the first year (1872), with an average imprisonment of 23 days the cash gain from the labor of the prisoners netted over \$16,000, and, in 1873, with an average term of still a fraction less than 29 days the cash earnings of the prison, including what was received for the board of prisoners from other counties and a moderate income from fines, came very near paying all ordinary expenses—these latter having amounted to \$49,000, while the income from the sources named was, \$44,000. Of the discipline the inspectors, in their report for 1872, say:

The discipline of the prison has been humane, and not inconsistent with the character of the offenses of its inmates or their length of sentences. The severity required at convict prisons seems inappropriate here, and has not been needed.

Again, in their report for the following year, they say :

The policy pursued during the former year in the management of the affairs of the prison has been rigidly adhered to in the year just closed : prisoners have been humanely treated, have been properly clad, and fed with sufficient food ; their cells and the buildings have at all times been kept in a cleanly condition ; their wants and necessities have been provided for ; and the mortuary list shows but three deaths during the year in an average daily population of 511½ prisoners, or a total population of 6,445. Favoritism is not known in the administration of the superintendent, and the rules of the institution have been complied with by both officers and inmates.

A large proportion of the inmates are young. Twenty-five per cent. (one-fourth) are minors, and six per cent. are under fifteen years of age. Of these Mr. Felton justly observes :

By reference to the table of ages, it will be seen that a large number of children, chiefly boys between the ages of seven and fifteen years, are sent here. They are committed under sentence for drunkenness, or for breach of the peace, or for vagrancy. The object of their imprisonment is to restrain them. They are not deemed proper subjects for a reform school, but require disciplinary treatment. They should not be locked in cells, much less in the same prison with criminals, nor yet with the immoral or the dissipated. Other provision should be made for them either in a separate building or by appropriating special room in this institution to their use.

Mr. Felton alludes to a crying evil of the times—the tyranny of Trade Unions in keeping down the number of apprentices—and its baleful effects, in these terms :

The disinclination of mechanics to encourage the working of apprentices has a tendency toward keeping in idleness the youth of our city, of all nationalities. There would be much less juvenile depravity and crime, if employment for our youth could be found and enforced.

Mr. Felton has embodied in his report a valuable set of statistical tables, which are recommended to the careful study of other prison governors.

3. *Kentucky.*

Materials are wanting for any notice whatever of the work-house at Louisville.

4. *Massachusetts.*

Of the fifteen houses of correction in this state, that of South Boston is the largest and most important, and is the only one that is self-supporting. The discipline here is of the stern, coercive type, and there appears to be little thought or effort towards reformation of the prisoners ; probably little belief in it.

The Board of State Charities, in their last report, thus criticises the present system of county prisons, including the houses of correction :

The necessity for the reorganization of the present prison system in the counties has been for some time apparent to all who have given attention to the subject. There can be no satisfactory results in labor, economy, discipline and reformation so long as the present system remains. It should be replaced by a district system, which shall aggregate sufficient numbers to justify expenditures for education ; to make the labor productive ; to provide officers better paid and more adapted to the work, with no other official duties to divide the attention ; to promote a uniform and efficient discipline ; and to furnish means for classification and grading, so that young and old, habitual offenders and those who have just entered on criminal courses, shall not be imprisoned together.

The criticisms of the Board of Prison Commissioners are still more pungent. The Board say :

The condition of the jails and houses of correction remains much as it was last year, so far as general plan and system are concerned. The drunkard and the burglar are still side by side with the vagrant and the thief, on the right hand and the left. There are " gentlemen prisoners " to be found, who have special, unwarrantable privileges. In one instance a common man died in the corridor, while the room designed for a hospital-room was occupied permanently by prisoners whose feelings and friends and circumstances were such that it was not thought best to put them in a cell with ordinary prisoners. The degree of that part of punishment styled in the sentence " hard labor," varies still according to the traditions of each house of correction. In South Boston it is hard labor in downright earnest ; each convict doing his stint of labor, not every one the same, but every one what it is believed he can and ought to do. This stint having been ascertained, the man or woman is kept to it by force of discipline.

In other houses of correction, with the exception of a few of the smaller ones, to wit—Greenfield, Barnstable, Nantucket, where there is no work done—the meaning of the term " hard labor " varies between the extremes, according to the traditions of each prison. In almost every case, the fact that this thing has always been done, and that thing has never been done, is a very strong reason for still doing this, and for objecting strenuously to that. The masters and keepers have occupied positions of responsibility and trust, many of them for years, and have settled themselves down upon certain ways of fulfilling their duties, and they are incredulous as to there being any better way. Nor is there anything strange in this. Other honest and intelligent men would be, and would chafe a little at outside suggestions. Any other set of men, placed as these officials have been, in the different county prisons, with the same independence and power, would develop the same or similar differences and inequalities. It is not the masters and keepers with whom we find fault, but the system, or lack of system, under which broad and unjust inequality exists ; so that a thief in one house of correction works hard, as he should ; in another, he is fed and clothed and kept comfortable, and does nothing, and the financial exhibit is \$192,000* excess of cost over earnings. The average sum earned by the house of correction prisoners last year was \$100.16 per prisoner ; whereas, at South Boston, the sum earned was \$179.31. Leaving out South Boston, and the earnings per prisoner per year is \$62.76.

* That is, for the whole fifteen.

5. *Michigan.*

The Detroit house of correction has become historical. Mr. Z. R. Brockway, who organized and for ten years conducted this institution, both in its business and disciplinary interests, won for it and for himself a world-wide fame. He retired from its management at or about the close of 1872, and was succeeded by Mr. Anthony Lederle, who is characterized by the board of inspectors as "an able and faithful officer;" but, unfortunately, he sickened and died after an administration of only a few months. The institution then remained for a considerable time without a head, being managed by the deputy superintendent, Mr. H. B. Brockway, until he was called to the charge of the Rhode Island work-house. On the 1st December, 1873, Mr. M. V. Borgman assumed the reins of power as superintendent, and of course had been at the head of the establishment but a month when the annual report was made. During the year under review, also, occurred the great monetary crisis, which could not but affect, adversely, the financial condition of the prison; and this adverse influence would naturally be all the more serious from the absence of the experienced officer who had been in charge for ten years, and had but just retired when the crash came on. Putting all these things together, it is not wonderful that the financial showing for 1873 is less favorable than it had been under Mr. Brockway's administration; and certainly the present incumbent, Mr. Borgman, is in no way responsible for it. Let us, therefore, hope that in future years, he will show himself to be a worthy successor of the eminent man, who won so high and pure a fame both for himself and the institution.

Miss Emma A. Hall, teacher in the female department of the house of correction and matron of the house of shelter, continues in the faithful and successful discharge of her important duties in both these relations.

6. *Missouri.*

No information is at hand touching the work-house at St. Louis.

7. *New York.*

a. ALBANY COUNTY PENITENTIARY.

The Albany penitentiary has long held a leading position among the penal institutions of the world; a position due to the distinguished ability of its late superintendent General Amos Pilsbury, to whose eminent services as prison governor a fitting tribute has been

paid in the annual report of the executive committee of the National Prison Association. Early in the year, Mr. Louis D. Pilsbury, a son of the deceased superintendent, succeeded his father in the headship of the prison; and it must be all that a reasonable ambition could crave to have it reported to the world—and it may be so reported with truth—that the institution appears to have lost nothing by this change of administration, whether regard be had to its financial or its moral interests. The undersigned has paid several visits to the penitentiary since the demise of General Pilsbury, and has found the management in all respects equal to what it had previously been. Undoubtedly there is a very considerable margin for reform; but that margin belongs rather to the system than to the administration, and for it the latter has little or no responsibility. The inspectors refer, in suitable terms, to one of the points where reform is greatly needed, viz., the constant repetition of short sentences in the case of the same individuals, in reference to which they say:

We find among them [the prisoners] a large class of ten to sixty days' men, whose faces have been familiar for years to the officers of the institution, and who reënter its walls, after brief intervals of absence, with a degree of regularity, in point of time, quite remarkable. The persons embraced in this class contribute nothing to their own support; and it is not too much to add, that they derive no benefit from the discipline of the prison, beyond that which may be supposed to follow the periodical abstinence of a few weeks from intoxicating liquors. Good resolutions, no doubt, may sometimes be formed by them, but their term of seclusion is too short for self-control to become established; and long before the appetite can be subdued, these unfortunate victims of its power are sent into the world to meet temptations which they have acquired no force to resist. This grievance or misfortune, whichever may be its appropriate name, is one that demands, in our judgment, a remedy, and we venture to hope that it may be speedily applied.

Prison officials throughout the world are unanimous in holding the view here so well expressed; and it is remarkable that, hitherto, so little heed has been paid by the law-making power to their opinion and their counsel. It cannot always be so; society cannot afford to maintain, within its bosom, such a manufactory of professional criminals to prey upon its prosperity and to consume at once its money and its virtue.

A short time before his death General Pilsbury established a prison school, concerning which the inspectors make these gratifying statements:

Our school is held on two evenings in the week, during nine months of the year, and the undersigned are most happy to inform your honorable body, that it continues

to be a success far beyond what, at the outset, we had ventured to hope. Admission to the school is a reward for general good conduct, and there is no lack of occupants for all the seats and desks at our command. We continue to find that the school, apart from all other advantages, is a valuable element in the maintenance of discipline.

The statements of the chaplain, the Rev. Mr. Reynolds, are more full, and no less encouraging. He says :

The penitentiary school, held on Monday and Thursday nights, has been marked with satisfactory progress. Pupils who have regularly attended its sessions during two terms, and who began with the alphabet, are now well advanced in arithmetic, can compose and write creditable letters to their friends, and have education enough to transact the business of common life. Indeed, a large number are here afforded the best educational advantages of their lives, and a few have declared their intention to become teachers upon the expiration of their terms of sentence.

During the past year, the evidences of mental and moral progress among the prisoners have been peculiarly gratifying. From the tone of their correspondence, their general good behavior, and many incidents which have come under my observation, I am satisfied that great and good results are being accomplished, under the combined systems of labor and instruction which this institution provides. Many prisoners are striving hard to conquer the bad habits and evil thoughts of their former lives, many have been induced to begin a religious life, and many express a hope of pardon and reconciliation to God. How well they may be able to withstand the temptations of the world when beyond prison walls is known to God only. The marked attention given to the preaching on the Sabbath, the perusal of the Bible by so great a number, and the interest manifested in their own reformation by those with whom I converse, afford me great hope that their penitence is sincere, and that their endeavors will be successful.

I can say, confidently, that this penitentiary is to me a most hopeful and interesting field of labor, and no effort ought to be spared to exert reformatory influences upon all its inmates. It requires no argument to show that punishment alone will not reform criminals, nor protect society from crime ; and if those committed to prison are discharged more hardened and abandoned, prisons become schools of vice, a curse to society, and a disgrace to Christian legislation.

The following citation from the chaplain's report reveals the existence and good effects of a supplementary institution, of which no knowledge had previously come to the undersigned. A more detailed account of it would have been acceptable. But even this faint glimpse is pleasing :

It gives me pleasure to report that the House of Shelter in this city has been a most valuable assistant to my labors among the female portion of the prisoners. A cordial welcome has awaited, and a Christian influence surrounded, any who have been willing to avail themselves of its social and protective comforts, and through this means a number have entered the paths of a virtuous and Christian life.

The concluding sentence of Mr. Reynold's report is, with pleasure, transferred to these pages, because of the faith and piety which it evidences :

In concluding this report, let me say I am a firm believer in the efficacy of prayer to God for the conversion of the criminal classes; and the request is made of all lovers of Christ and his cause, whom this report may reach, to remember our work here, that the Divine Spirit may be in it, and that it may result in glory to Him who hath said: "Him that cometh unto me I will in no wise cast out."

b. ERIE COUNTY PENITENTIARY.

This institution has its seat in the city of Buffalo. The report of the managing board—here called commissioners—including reports of superintendent, physician and local committee of the New York Prison Association, is an interesting document. It shows much that is good in the management, at the same time that there are deficiencies to be supplied and evils to be remedied. The commissioners bear this honorable testimony in favor of the present superintendent:

Mr. Weston is now in the second year of his administration. He is an energetic and highly capable and efficient officer, being economical in his expenditures, ever watchful over the interests of the institution, respected by the prisoners for his kindness, and yet firm in keeping strict discipline in all the departments.

This penitentiary has no chaplain, but the lack is well supplied by the excellent local committee of the Prison Association of New York, composed of some of the best citizens of Buffalo. Religious services are regularly held by them every Sabbath in the prison chapel, to the evident interest and profit of the prisoners. The committee make this interesting statement:

During the year the female prison has been visited regularly each Sabbath from 3 to 4 P. M. by two faithful Christian ladies, whose efforts to reclaim and benefit the inmates by personal conversation has resulted in great good, by seeking out the young in crime, by interesting themselves in their personal welfare, by calling for them at the expiration of their sentences and furnishing them with a home, and by providing with funds those who desire to return to their homes, where a broken-hearted mother is made glad at the return of her lost one. We hope during the coming year to arrange for a more thorough visitation of the male prison, and by personal contact with the convicts be able to benefit them more largely.

Ample provision is made for helping all female prisoners discharged from the penitentiary, as appears by the following citation from the report of superintendent Weston:

The ladies of the "Ingleside Home," and of the "Home for the Friendless," are entitled to great credit for their continued assistance in reclaiming the fallen women who are disposed to lead better lives, in granting temporary homes to the friendless females on their discharge from this institution, in finding them employment, and in guarding their welfare until safe from further temptation.

Mr. Weston also makes this pleasing declaration concerning the gentleman who contracts for the labor of the prisoners, which shows a rare interest on his part in their mental and moral improvement :

Josiah Letchworth, Esq., has continued his contributions during the year of finely-bound Bibles to all such prisoners as would receive and make use of them, and has had distributed weekly twenty-five copies of the *Christian Advocate*. He has also presented to the institution a splendid library of over three hundred volumes, which furnish appropriate reading matter and tend to elevate the minds of the inmates, for which he is entitled to many thanks.

C. KINGS COUNTY PENITENTIARY.

This penitentiary has evidently improved, in many ways, under the administration of Mr. James Schevelin as warden. The committee of the board of supervisors of Kings county on the penitentiary claim that it has become a "model prison"—with how much justice "this deponent" is unable to say.

D. NEW YORK COUNTY PENITENTIARY ON BLACKWELL'S ISLAND.

I am not in possession of any information in regard to this institution for the last year, that will enable me to offer a special report upon it.

E. ONONDAGA COUNTY PENITENTIARY.

No report of this penitentiary, which has its seat in Syracuse, was sent to the office of the National Association, and when application was made for one, the supply was, unfortunately, exhausted. I avail myself, however, of some interesting extracts from its annual report, cited in the report of the New York Prison Association for 1873. Among other things the inspectors, speaking of the use of moral forces in prison discipline, use this language :

It is the policy of those having its oversight and management to make our penitentiary, so far as possible, reformatory in its character ; and while we recognize the fact that it is a difficult task to maintain good discipline without sometimes resorting to severe measures, we are convinced that, by a judicious use of kindness and by throwing around the unfortunate inmates of the prison a proper degree of moral and religious influence, much can be done to save them from a renewal of their former criminal conduct after they shall have served out their term of punishment.

A prison school was started last year, concerning which Captain Williams, the superintendent, expresses himself in these very encouraging terms :

One year ago it seemed expedient to establish an evening school for the benefit of the prisoners, especially the younger portion of them. This was a new feature and, to a certain extent, an experiment, in the discipline of the institution. It must be generally known that young boys and girls in large numbers are received at this institution, who are mostly, if not entirely, from that condition in life where little or

no opportunity has been given them to obtain even the rudiments of an education, and who have therefore been reared and instructed in crime, rather than in those matters which operate as a safeguard against the commission of offenses. As a rule, crime is a growth of ignorance, and those means which will touch the nobler impulses and open up a new life are, in my judgment, the most powerful agents of reform; and the reformation of criminals I deem to be the true object of prison discipline. And I am therefore most happy to say that, in all respects, the school, under the management of the chaplain, has satisfied my most sanguine expectations; large numbers have availed themselves of its advantages, and marked good is the result.

The inspectors add their testimony in these words:

The result of the experiment has satisfied us that the labors put forth in that direction have proved not only a personal benefit to the prisoners, but a positive aid in promoting discipline and good order in the prison.

8. *Ohio.*

Information is wholly wanting in regard to the house of correction at Cleveland.

The work-house at Cincinnati is an immense improvement on the old city prison, so far as the male department of the latter was concerned. I visited that establishment in 1865, and it would be difficult to imagine a viler den than it was at that time. The prison building was an old livery stable, which had been converted into a place for the confinement of criminals. The prisoners slept on boards (without so much as the semblance of a bed), arranged tier above tier, in a sort of iron crates, running the whole length of the rickety old structure, and having much of the aspect of the cages in a menagerie of wild beasts. It was indeed a horrid establishment, insecure, without ventilation, filthy in the extreme, most offensive to the smell, and with no discipline, no work, and no thought or effort towards the reformation of its inmates.

All this, however, in so far as the general aspect of things is concerned, is now changed. The work-house is one of the finest prison structures in the United States, and contains 600 cells—360 for men, and 240 for women—and has all necessary appurtenances, such as residence for the superintendent, offices, hospitals, kitchens, wash and bake-houses, baths, chapel, work-shops, a small farm and garden containing 26 acres, and a beautiful front lawn, with lake and fountain in the centre, the whole dotted with a profusion of flowers, trees and shrubbery.

The probability is, that this prison will soon become self-supporting. Indeed, it is to be feared that a disproportionate degree of attention is given to this and other material interests, while the moral well-being of the prisoner receives too little care and effort. The

institution has no chaplain, the services of the Sabbath being conducted by members of the Young Men's Christian Association, who deserve all praise for their "labor of love." Still, the service performed by them is no adequate equivalent for the presence and work of a regular chaplain.

9. *Pennsylvania.*

In regard to the new house of correction in Philadelphia, the undersigned has no information beyond what has been communicated to the Congress by the representative of that institution during its present meeting. Not so, however, with the Allegheny county work-house at Claremont, under the superintendence of Mr. Henry Cordier, aided by a judicious board of directors. I last winter visited and remained a week at this establishment, and had abundant opportunity for becoming acquainted with the details of its organization, arrangements, and interior workings; and I feel no hesitation in pronouncing it, in many points of view, a model institution. As a financial success, I look upon it, all things considered, as unrivalled. With an average prison population of 350, with only 165 prisoners engaged on productive labor, and with an average term of sentence of no more than sixty-eight days, the clear cash income over all expenses, including the administration, was within a fraction of \$15,000. Such an amount of net profits from the labor of the prisoners, under the circumstances named, and with absolutely no source of income other than that labor, will strike every one as extraordinary, and is, I think, without precedent.

The inquiry will present itself to every thoughtful mind, how has such a result been obtained? The answer is four-fold: 1. The contract system of labor is excluded, and *all* the earnings accrue to the prison. 2. The superintendent is an admirable business man, and especially watchful against losses, insomuch that not the first penny has ever gone in the way of bad debts. 3. The board of directors pay him a generous salary, and not a dollar is ever *stolen*. 4. The labor is obtained from the convicts not by an outward pressure, but from an inward impulse stimulated by a personal interest in their earnings.

The chief industry is the manufacture of kerosene oil barrels, which is carried on in two workshops in the same building, one above the other. At a certain point in the manufacture, the casks are passed from the lower to the upper shop, and the prisoner, receiving them at this point, is required to finish seven for the institution without any gain to himself, the average day's work for a free

laborer outside being thirteen or fourteen; after which, for every additional barrel completed, he gets three cents for himself. Under this stimulus I saw prisoners making twenty-four and twenty-five barrels a day, and the average daily production is from sixteen to eighteen, equal to (say) one and one-fifth day's work of ordinary workmen in free shops outside. The refining of petroleum is a very extensive business in Allegheny county, and there are many establishments in the county, in which it is carried on. At first, the proprietors of these factories laughed Mr. Cordier to scorn for thinking that he could utilize the labor of his short-term men upon such a manufacture; but the laugh is now on the other side, for his prison-made barrels actually command five cents a piece more in the market than those made in the outside factories.

But what about the lower shop? Much of the labor there, though not all of it, is unskilled; and until the first of January last, the prisoners working in that shop had no share in the product of their toil. However, at that time Mr. Cordier organized the labor there on the following basis: For those doing skilled work, a certain unit of production was established, and on every such unit, beyond a fixed number, the men were allowed a certain percentage. Still the great body were employed on unskilled labor. To each of these, for every day on which his conduct and industry were unexceptionable, there was given, at the close of the day, on the books of the institution, a credit of ten cents, as his share of the product of his labor. I paid a second visit to the establishment two or three months after this rule had been established, and up to that time not a man among the unskilled workmen had failed to receive the daily credit promised on the conditions named. More than this: The amount of work performed in that shop had been very sensibly increased. Prior to the existence of the rule, the prisoners in the upper shop not unfrequently complained that the barrels were not sent up fast enough; subsequently, they came in superabundant quantity.

Mr. Cordier holds with Maconochie that, in the enforcement of prison discipline, nature, always the best guide, should be followed so far as not incompatible with an effective pursuit of the true ends of such discipline, and hence, that there should be no more exercise and display of authority than may be needed to accomplish those ends. Consequently he makes no rules for his work-shops beyond such as would be necessary in any well-regulated manufactory, and so does not forbid the occasional interchange of a word, that may

pass between two prisoners without hindrance to their work. Outside of prison a man that talked too much would be dismissed ; inside he must be subjected to discipline ; but whether outside or inside, Mr. Cordier is firmly persuaded that no injury can come from any degree of intercourse that does not interfere with the work in hand. Now, as a matter of fact, what, in this regard, happens at the prison of Claremont ? I have spent, first and last, hours in the work-shops there, and can testify, without reserve, that there is scarcely ever a word spoken in them. Certainly there is less conversation than in most work-shops where the labor is free ; and, indeed, it must be so, since there is from a sixth to a fifth more work done there than in similar factories outside. Mr. Cordier says that it is by no means a thing unknown in his prison for one prisoner to complain to him of another for hindering him by talk ; a complaint which, as a matter of course, grows out of the complainant's desire to increase his pile of barrels, that so his little pile of earnings may increase at the same time and by the same means. Now, in regard to the moral influences at Claremont, I observed, as closely as I could, all that was going on in the prison during my visit to it, and my firm conviction is, that the busy industry of the prisoners is no detriment to the discipline and no obstruction to reformation, but rather an aid to both. No doubt reformatory work is greatly impeded by the shortness of the sentences ; but if these were rapidly cumulative on repeated convictions, as, by common consent of the most enlightened penologists, they should be, so that reformatory processes might have time to take effect, my belief is, that few, if any, prisons would show better work, in this respect, than the Allegheny county work-house, under the management of Mr. Cordier.

The annual reports of the managers, superintendent, and other officers form a document of much interest ; but so much space has been taken up with this record of personal observations, that all citation is withheld for the present year.

10. *Rhode Island.*

No information touching the state work-house of Rhode Island, beyond that embodied in the statistical tables, the elements of which were obtained by blank formularies sent to the superintendent, and by him returned, with the blanks filled up.

11. *Wisconsin.*

No information concerning the house of correction at Millwaukee.

STATISTICS OF HOUSES OF CORRECTION FOR 1873.

STATE.	Title.	Warden.	Chaplain.	Estimated value of real estate.	Estimated value of personal property.	Number of cells.	SIZE OF CELLS.		Number of prisoners received in 1873.	Average number of prisoners in 1873.	Committed for offenses against property.	Offenses against persons.	Other offenses.
Illinois.....	Chicago House of Correction.	Chas. E. Felton...	No chaplain.....	\$325,000	.....	480	8 x 4	7	6,062	511	105	35	5,942
Massachusetts.....	Boston House of Correction.	Chas. H. Davis...	Joseph H. Clinch,	.....	.....	450	7 x 4	7	258	407	234	349	275
Massachusetts.....	Houses of Correction in thirteen other Counties.....	Louis D. Pilsbury,	No chaplain.....	.....	.....	.....	7 x 4	7	11,418	603	.....	.....	.....
New York.....	Albany Co. Penitentiary.....	James Shevelin,	Charles Reynolds,	250,000	21,778	464	7 x 4	7	1,227	1,044	304	30	1,290
New York.....	Kings County Penitentiary.....	Alex. McWhorter,	J. G. Bass,	.....	.....	.....	8 x 4	7	818	170	125	123	570
New York.....	Monroe Co. Penitentiary.....	Jared C. Williams,	John E. Baker,	100,000	25,000	270	7 x 5	7	764	181	128	101	535
New York.....	Onondaga Co. Penitentiary.....	James Morgan,	A. C. Washburn,	200,000	5,000	132	6 x 4	8	8,745	428	863	1,259	1,623
Ohio.....	Cincinnati Workhouse.....	Henry Cordier.....	W. A. Fuller,	900,000	40,000	690	7 x 4	7 1/2	2,041	350	102	37	1,922
Pennsylvania.....	Allegheny Co. Workhouse.....	H. B. Brockway.....	No chaplain.....	325,000	102,435	420	8 x 4	8	566	190	0	0	566
Rhode Island.....	Rhode Island Workhouse.....	.....	.....	.....	31,835	100	.....	.....	29,183	3,884	1,861	1,364	14,713
Totals and averages.....				\$2,700,000	\$225,748	2,916	.....	.....	29,183	3,884	1,861	1,364	14,713

STATISTICS OF HOUSES OF CORRECTION FOR 1873—Continued.

STATE.	Average length of sentence less than life.	Number of officers and employees.	Aggregate annual salaries.	Total current expenses, including salaries.	TOTAL EARNINGS FROM			Excess of earnings over expenditures.	Excess of expenditures over earnings.	Cost per capita, including salaries.	Number engaged in labor from which revenue is received.	Earnings from labor per capita of prisoners engaged in productive labor.	Earnings from number of prisoners.	Average number of hours given to labor.	Kinds of productive labor.
					Labor.	Board, etc.	Total.								
Illinois.....	29 days.	.....	\$13,339	\$49,258	\$43,925	.....	\$43,925	.....	\$5,332	\$96	.....	.....	\$86	10	Brick making, chair-seating and laundry.
Massachusetts...	6 mos.	28	13,535	70,013	73,560	.....	73,560	\$3,548	.....	172	282	\$290	181	10	Brushes, slippers and clothing.
Massachusetts...	.....	.....	49,310	176,399	61,859	.....	61,859	.....	114,440	168	.....	.....	59	.....	.....
New York:	.....	.....	15,735	67,450	59,444	\$20,599	80,043	22,533	.....	95	450	132	98	10	Shoemaking and cane-seating chairs.
Albany Co.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kings Co.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montroe Co...	45 days.	14	8,000	36,063	15,500	.....	15,500	.....	10,563	153	.....	.....	91	9	Woodenware.
Onondaga Co..	75 days.	9	4,780	29,821	9,601	2,966	12,570	.....	17,251	165	115	83	53	9	Shoemaking and chair-seating.
Ohio.....	31 days.	33	24,000	65,066	13,750	.....	13,750	.....	51,316	152	125	110	32	9	Light castings.
Pennsylvania...	68 days.	27	22,424	53,206	69,501	.....	69,501	.....	.....	138	165	421	198	10	Coopering, brick making, and laundry work.
Rhode Island...	6 mos.	13	9,152	.....	.....	.....	.....	.....	.....	.....	40	.....	.....	.....	Basket making.
Totals & averages	2 mos. 23 da.	192	\$160,325	\$329,176	\$347,144	\$23,565	\$370,709	\$40,435	\$195,902	\$190	1,171	\$199	\$135	9½	

STATISTICS OF HOUSES OF CORRECTION FOR 1873—Continued.

STATE.	System of labor.	Average per diem paid for labor.	Average daily earnings of prisoners working on prison account.	Percentage of prisoners who admitted that they were intemperate.	Percentage of moderate drinkers.	Percentage of strictly temperate.	Warden's opinion as to the connection between drink and crime.	Percentage of insane prisoners received.	Percentage of minors.	Percentage under 30 years including minors.	Percentage pardoned last year, exclusive of those discharged for good conduct.	Percentage escaped last year without re-capture.	Percentage of prisoners who had not learned a trade.	Percentage of native born.	Percentage of foreign born.
Illinois.....	Contract & prison acct.	20	65	85	10	5	Drunkenness more often caused by vicious habits and criminal life, but crime frequently the results of drink. Most crime caused by drink. Nine-tenths would never be in prison but for drink. Crime follows intemperance. There is but a short step between drinking and crime. Seventy per cent. of prisoners sent here from effects of drink. All commitments here are for intoxication.....	...	23	58	...	1	...	41	59
Massachusetts.....	Contract.....	80	...	68	27	5		...	24	69	2½	0½	...	53	70
Massachusetts.....	Contract.....	...	...	...	...	...		...	21	45	...	...	...	...	...
New York.....	Contract & prison acct.	35-50	...	80	19	...		...	13	46	10	0	...	52	47
Albany Co.....	Prison account.....	...	...	...	...	...		...	11	42	2	6½	90	54	53
Kings Co.....	Contract & prison acct.	30	...	97	...	2		...	18	55	1	...	...	60	39
Monroe Co.....	Contract.....	...	...	79	...	20		...	15	61	...	3	...	47	52
Ontario Co.....	Prison account.....	...	1.40	40	55	5		...	1	12	53	1½	1	77	48
Ohio.....	Prison account.....	...	...	100	...	...		...	...	7	39	...	27	62	49
Pennsylvania.....	Prison account.....	...	...	...	...	...		...	...	14	37	4	2	76	47
Rhode Island.....	Prison account.....	...	...	...	...	...		...	...	...	...	...	...	...	...
Totals & averages	.....	...	...	77	25	4	.....	.....	.....	.....	.....	.....	.....	.....

STATISTICS OF HOUSES OF CORRECTION FOR 1873—Continued.

STATE.	Religious services.	Funeral services.	Provision for secular instruction.	No. volumes in library.	Regulations relating to correspondence.	Regulations relating to visits of friends.	Punishments for prison offenses.
Illinois.....	Regular chapel service.....	None.....	None.....	No lib.	{ Once a month ; im- offener by special permission.....	Once a month ; im- proper friends ex- cluded.....	
Massachusetts.....	Regular service.....	Usual Episcopal service.....	Books furnished for use in cells.....	500	{ Write quarterly and receive all letters after they are ex- amined.....	Visit quarterly in presence of officer.	Dark cell, and hand-cuffing to the cell door, etc.
New York : Albany.....	Prot. service every Sabbath, Catholic monthly.....	.....	Evening school for all who wish two nights a week, slate and books furnished in cells if asked for.....	2,500	Rec've letters every Sabbath, and write once a month.....	Depri- vation of bed, and solitary confinement.	
Kings.....	.....	.....	.....	.....	.....	Once a month.	Dark cell.
Monroe.....	Chapel service every Sabbath morning.....	None.....	Evening school.....	200	Once a month.....	Once a month.....	Confinement in dark cell.
Onondaga.....	Singing and exhortation.....	.....	None.....	300	Once a month.....	Once a month.....	Bread and water, iron cap and dark cell.
Pennsylvania.....	Service and Sunday school every Sabbath.....	Sermon, prayer and singing.....	Evening school from 7 to 8.30.....	700	Allowed under supervision.....	Every Saturday.....	Dark cell, and bread and water diet.
Rhode Island.....	.....	None.....	None.....	740	Once a month, or weekly if good conduct justifies that favor.....	Once a month.....	Short rations, solitary confinement in their own cells, deprivation of labor, cutting off favors, such as books, friends, letters, etc.
	.....	.....	.....	150	Rec've letters every Sabbath, and write once a month.....	Once a week, on Wednesday.....	Deprivation of privileges.
Totals.....	.....	.....	.....	5,090	.....	.....	.....

PART THIRD.

REFORMATORY INSTITUTIONS.

1. *California.*

Mr. D. C. Wood, superintendent of the industrial school of the city and county of San Francisco, in communicating the statistics of the institution for 1873, adds under "General Remarks" :

Our institution is partly a house of correction, commitments being made here to save the parties from the state prison, on the plea of being under age.

No reports of the institution have ever been made up in pamphlet form ; they have simply been statistical reports, and are, with the reports from the various city and county institutions, published in the Municipal Reports for the current year.

Inmates in the institution July 1, 1873—boys 208. The girls, 51 in number, are in charge of the Magdalen Asylum.

2. *Connecticut.*

a. STATE REFORM SCHOOL FOR BOYS

The report of this institution for 1873 was issued prior to the death of its late superintendent Dr. Hatch, and contains his last utterances on the subject of his life-work. They come to us like a voice from the grave, and I quote largely from them, as these pages will never more contain anything further from his pen or his lips. Let us give heed to them as the last words of a wise teacher and a good man :

By far the largest share of those who have gone out have been educated and fitted for useful lives here, and are making good citizens here or elsewhere, while some have failed. This is not a peculiarity of our boys ; we wish it were. But there are wrecks, miserable wrecks, all along the voyage of life. We strive for success in all cases. We wish we might attain it, but it is beyond our reach.

There is, however, no failure that discourages us ; on the contrary, the successes are so numerous and the failures so few that we are encouraged more and more every year to labor on more zealously, hoping that the experiences of each year, carefully studied, will bring us greater successes in the future. To eradicate sin from the world is beyond our power. To eradicate it from the heart is impossible, until the heart is inspired with a longing for the divine nature. This is an inward individual work, to be assisted and encouraged by good influences from without.

In our way we try to do this here. We try to educate the soul up to a higher plane, a nobler life. To do this we seek to educate the body in the right direction, to surround it with proper influences, to feed the body and the mind with good substantial food that shall mature them both, and not with trash that shall starve either.

We give all of the boys from four to five hours' schooling each day, and religious instruction in the family, in the Sabbath school, and in the chapel. All our boys, like all others of their condition in life, must get their living by labor. We believe that to do this successfully they should all be educated in the direction of labor, either mechanical or otherwise.

The boys under proper instruction do the farm and kitchen work; make the bread and do all the cooking, cleaning, washing, etc.; make all of their own clothing and all the bedding; and all those who are not otherwise engaged work in the chair shop, putting cane into chair seats.

We do not call any of this learning a trade, but it is being educated to labor, learning skill in the use of their hands, and getting industrious habits. We do not encourage any of our boys in following the business of cane seating after they go from here, as it is the work of boys and not men. But no mechanical skill is lost, whether it is the trained eye or the apt hand.

Labor enters largely as an element of success into the conduct of the school. It has been a little more than usually successful the past year. Remunerative labor in a reform school is the balance wheel which controls, if properly managed, all the departments. Labor is a stimulant, an educator; it is disciplinary and reforming. It is not expected of a reform school that it shall pay its way any more than any other school; but while labor is an incident of the school, it is also an element of success.

That school is the best that is the most successful in accomplishing the object for which it was established. Ours is to make useful, industrious, educated citizens. It is safe to say of all our boys, that they must labor for a living. If then we can teach them habits of industry and make their industry pecuniarily successful, we accomplish an object for the state in two ways, viz., by giving it good citizens and saving its money while we are preparing them for citizenship.

We still continue the chair seating and have made the past year 103,905 pieces. We have received for the same \$28,133.30. Less the cane the labor nets us \$11,699.41, and the labor on the farm and grounds \$1,500.00, making a total from the labor of the boys \$13,199.41. This is the greatest pecuniary success yet attained. To do this the boys have not been deprived of their school or recreation. But all the particles of time and labor have been saved and utilized.

The farm is constantly increasing in value as a farm for agricultural purposes, and also in value by its situation in regard to the city. The twenty acres of land purchased this year is a great acquisition to the pasture that was much needed. We have had fine crops, have a fine stock of cows, oxen, hogs, etc., the aggregate of which may be found, both in amount and value, under the appropriate head, in the farm tables. We are preparing for vigorous work this summer, and hope to be prospered as in the past.

In conclusion I would say that the year past has been full of blessings. Our future looks promising. Our finances are in a good condition; we need no appropriation. We have been blessed with health; only two boys have died; and but few have been seriously ill. The winter, though cold, has been an uncommonly pleasant and quiet one to us. We have had, in addition to the usual holiday recreations, frequent exhibitions in the chapel. Our Sabbath school has been held with unusual interest through the year, and the monthly concert of the boys has attained such a wonderful popularity as to crowd the chapel to overflowing the first Sabbath evening of each month. I am no less sanguine of the good this school is doing, and is to do in the future, than I have been heretofore. On the contrary, I am more hopeful, and expect that the new experiences of each year will bring to us more tact and talent in our peculiar vocation, and that succeeding years will tell more largely on the future of the youth of the state for good.

Of the good effect of the law of compulsory education recently enacted in Connecticut and of the importance and necessity of such laws throughout the whole country, the trustees speak as follows :

We think that the good effect of the truant law and the law of compulsory education is being felt, and is diminishing juvenile depravity. It is too soon yet to see much effect, but our record and the experience of our superintendent convince us that the state is on the right track in compelling all the youth in the state to attend school. Should this principle of compulsory education be thoroughly carried out, we believe it will in time make a revolution in the morals of the juvenile population.

Every year convinces us that the safeguard of our institutions is free and universal education. The question of universal suffrage is no longer a mooted question, but settled by general consent, never to be retracted. This question, then, involves the other of universal education. The safety of the nation depends on this.

b. INDUSTRIAL SCHOOL FOR GIRLS.

This is a new institution opened in 1870. The total number of inmates thus far received is 160, of whom 75 remained in the establishment at the close of the fiscal year, ending March 31, 1873. Its inmates are viciously inclined girls between the ages of eight and fifteen years. They are not such, at least for the most part, as have entered upon a course of crime, but are rather neglected and abandoned children and youths, thrown out, from whatever cause, upon the wide world—friendless, ignorant and under the debasing and corrupting influences of abject poverty and vicious associations. The state looks upon and treats them in this light—more as sinned against than sinning, and, as such, to be pitied, cared for, guided, educated. She stands to them in the place of a common parent, and this, whether their natural parents are dead, or are unfitted or unwilling to train and educate them. When a girl enters the school, the aim is to bring her at once under the influences of a well-ordered Christian family, with its morning and evening services of prayer and song, with its motherly love and watchfulness, with its godly counsels and its gentle but firmly authoritative culture and training. How successfully all this is done may be seen in the following short extract from the report of the superintendent :

The work has been more hopeful this year than the past. We do not know of a single girl who has gone out from this institution who is leading a vicious life, and many by their good deportment and faithful endeavor have merited our respect and esteem. The officers in all departments have been untiring in their labors for the good of the girls. The work in all departments needs a real missionary spirit, and, if faithfully performed, is very arduous.

To the same effect speaks, in the name of the directors, their devoted secretary, the Rev. Thomas K. Fessenden, in the following sentences :

We have seen in many cases the froward and obstinate become quiet and docile ; those who have been previously intractable and unmanageable, have been subdued, and have become grateful, kind and obedient. The grossly wicked and immoral have been taught to observe the proprieties of life, and to feel and acknowledge their accountability to God and to society. In not a few cases have girls who had already entered on a vicious life, and been regarded by themselves as well as others as destined irrevocably to a life-long course of sin and shame, been led to feel that there were even for them possibilities of purity, and womanly loveliness and usefulness. When such hopes have been implanted, a new world has opened to them, and high and noble purposes have been formed and kept. A visible and wonderful change has been witnessed in their feelings, aspirations and conduct. A pure life, as we hope, has begun, and one which will lead to holiness and happiness.

The directors wisely ask that the legislature will extend the limits of age at which girls may be received, from fifteen to seventeen years, on the following grounds :

First.—That two-sevenths of the proper subjects of the school are cut off from its benefits by the present limitation, and this too at the most critical period in their lives. On this account the officers of the police courts have complained of the school, saying that it closed its doors against the majority of those brought before them, and for whose care it was originally designed.

Second.—The experience of the school thus far shows that its discipline is as valuable and as successful in the case of the girls between 15 and 17 as in the case of those younger. They can more easily be shown the evil consequences of a vicious life. In not a few cases their sad experience has taught them that the way of transgressors is hard, and must lead to inevitable destruction. Sometimes they become earnest helpers in the work of saving the younger girls.

Third.—Their labor can be made of much value to the school.

Fourth.—In case a girl is found incorrigible and her continuance prejudicial to the best interests of the school, the statute provides that she can be remanded to the court who sent her here, or be placed in any other suitable institution.

Illinois.

The State Reform School of Illinois is of recent origin, having been opened in 1871. The report for 1873 is the second annual document of the kind since the opening, though one was made prior to that event. The present one is little more than a budget of wants. The institution appears to be crippled and embarrassed to the last degree from the failure of the legislature to provide the means absolutely essential to its healthy life. Buildings for the proper accommodation of the inmates, as also work-shops, wash-room, laundry, barn, stock, drainage, fencing—everything, almost, seems to be wanting to the proper action and usefulness of such an institution. Little good is to be expected till the legislature adopts a wiser and more liberal policy. As things are now, it seems very much like the old Egyptian policy of requiring bricks without straw, which was not found fruitful then, and is not likely to prove so now. The

trustees and superintendent seem competent and earnest, but what can they do without a legislative backing? The sinews of war are wanting. The superintendent, Mr. J. D. Schouller, in replying to a request for statistics, under the heading "general remarks," says: "Boys cannot be sent here unless convicted of crime; they must pass through the same process that a convict does in going to the penitentiary." It would seem, therefore, to be rather a juvenile prison than a reformatory in the ordinary acceptance of that term.

4. *Indiana.*

a. HOUSE OF REFUGE FOR BOYS.

The annual report of the commissioners and officers of the Indiana House of Refuge is an instructive and valuable document. It is made up of, 1. The Commissioners' Report. 2. The Superintendent's Report. 3. The Assistant Superintendent's Report. 4. Report of House Father, Family One. 5. Report of House Father, Family Two. 6. Report of House Father, Family Three. 7. Physician's Report. 8. Gardener's Report. 9. Boys' Letters. 10. Statistical Tables.

This reformatory is on the family model. There are four families, with an average in each of fifty boys. Each family has a house father, whose wife is matron and teacher; and each has also an elder brother, selected from among the boys. The undersigned paid a visit to this establishment last winter, and was most favorably impressed with its order, discipline, and the wholesome influence which it is evidently exerting on its inmates.

The commissioners give this account of the work of last year in the refuge:

We have arranged to have a well-qualified man and wife at the head of each family, so as to preserve in this respect as near a natural state of things as possible. the wife being employed a part of the day as teacher. These are assisted by an elder brother.

The superintendent has assigned each house father to the oversight of some special portion of the out-door work, in addition to his care of the family. so as to lessen as much as possible the expense, and at the same time to bring about efficiency in the conduct of the institution. One has been assigned to the care of the farm, another to the garden, another to the fruit and flowers, while the assistant superintendent and clerk in the office both have charge of families.

The boys have been employed on the farm, in the garden, at cane-seating chairs, in the tailor shop, and in the different parts of domestic work.

In regard to mechanical employment we have found it impossible to carry on a very great variety of labor, the difficulty of procuring suitable persons to oversee and the great expense of carrying on mechanical business with unskilled labor being unsurmountable obstacles. Hence we rely more upon the formation of good habits and teaching the boys self-reliance and energy of character, as well as on accustom-

ing them to manual labor, so that they may, after discharge, find suitable places for a permanent trade or business. A part of each day is employed in school under careful, well qualified teachers, and the progress of the boys in their studies has been quite commendable. In addition, every effort is made to give them a careful moral and religious training.

Simple scientific lectures are delivered every week during the winter by competent persons. One hour every evening is spent in each family in moral and religious reading and instruction.

The Sabbath is thoroughly occupied by an efficient Sabbath school in the morning, conducted by the superintendent, in which the Bible is so thoroughly taught that we doubt whether an equal number of boys outside the institution, promiscuously selected, can be found as well versed in it. Meeting for worship is also held in the afternoon, conducted by a regular minister when one can be had, and when not, by the superintendent himself.

We have kept steadily in view the three great means of reformation : Industrial habits and steady application to some useful employment ; education and mental training ; and the Bible and religious instruction. The success of reformatory schools in England is said, in a recent official report, to depend on " firm discipline, and honest and hard work, coupled with moral and religious training, so arranged as to bring out the better nature of the pupils, which cannot at so tender an age be always dead."

The results, thus far, have quite equalled our expectations, and most of the boys who have been discharged are doing well. The greatest difficulty we have to encounter is in finding suitable places for those discharged, most of them having been sent to the institution from very bad homes and evil surroundings. After reformation and discharge they are likely, from natural love, to work their way back to those nearest connected with them, and thus are thrown, under influences unfavorable to their continuance in the path of virtue. We believe, however, that in any event the instruction received in the institution is not lost, but, like bread cast upon the waters, will be found after many days.

b. INDIANA REFORMATORY INSTITUTION FOR WOMEN AND GIRLS.

This is at once a prison for women and a reformatory for girls, both under one roof and one administration ; yet each is kept separate and distinct from the other, and in a different part of the building. The superintendent, Mrs. Smith, thus speaks of the reformatory department :

There are twenty-one girls in the reformatory, who are taught half the day in a well-organized school, the other half being devoted to cane-seating chairs and household duties in rotation. Some of the girls are committed for larceny or incorrigible conduct, and the change in some of the worst is striking, convincing us that many of these little waifs go to ruin from surrounding circumstances. We regret to find that the age—fifteen—is preventing a large number from entering the reformatory. We have received letters from several counties, making the inquiry what steps to take to commit over fifteen, and stating that they must go to ruin if not admitted. The only answer that can be given is, " the law forbids," and the girl on the brink of ruin is robbed of the care, restraint, education and proper training which the state has so wisely provided for her rescue, and our expenses are necessarily much larger in proportion from having to care for a small family.

This accords with what we have seen to be the experience of our friends in Connecticut. It is to be hoped that the legislatures of

both these states will heed the suggestions offered, and extend the age of reception to seventeen, or, if deemed advisable, to eighteen years.

5. *Iowa.*

The Iowa Reform School conducted on the family system, was opened at Salem, Lee county, in 1868, and removed from that locality to Eldora, Hardin county, in the spring of 1873. The removal was in order to secure a more central position, and the present site is within twenty-five miles of the mathematical centre of the state. The superintendent, Prof. J. McCarty, thus describes the locality :

In order to secure the location of the school at this point, the citizens of Eldora and vicinity, at a cost of about \$15,000, donated to the state, for this purpose, four hundred and forty acres of most excellent land. The tract on which the buildings are located, consists of three hundred and twenty acres of land, one mile long from east to west, and half a mile wide. Across each end of this tract runs a never-failing stream of water. From these two brooks the ground gently rises to near the central plat, where it terminates in a broad ridge, gently sloping to the south, as well as to the east and west, affording one of the most beautiful building-spots in the state. It seems that nature has done everything to make this one of the most lovely sites for such an institution. This tract is all under fence, and the most of it under cultivation. It has been divided as follows : Forty acres have been appropriated to garden purposes ; twenty-five acres to building-plat ; seventy acres to pasture grounds and feed lots, about one hundred and fifty acres to farm lands, and about twenty-five acres of rich bottom-lands, too wet for the plow until drained, have been left for mowing purposes. Half a mile north of this main tract, we have eighty acres of good farm land, which is under fence, but has not yet been broken. About three miles southeast of the main tract, we have forty acres of timber land ; the timber is yet small, but the land lies well and is of good quality.

After this statement it seems a little odd to hear our excellent superintendent, a few paragraphs farther on in his report, using such language as this :

The first and most urgent want of the school, is more land. Our farm is entirely too small for the forces we have to employ. The interests of the work require that the entire half section on which the buildings now stand, should be appropriated to building grounds, pasture and mowing lands, gardens, orchards, small fruits, and shrubbery. Not an acre of it should be used for regular farming purposes after the soil shall have become properly subdued. This arrangement would leave us but eighty acres for farming purposes, the products of which would meet but a small portion of our demands. We need at least another half section of good land. This would give us a farm of four hundred acres of regular tillable land, which we could easily cultivate, in addition to taking care of our gardens, small fruits, etc., and upon which we could produce all the grains necessary for the support of the school. With this additional quantity of land, we could, in a very few years, produce all the grains, grasses, fruits, vegetables, meats, butter, and milk necessary for the consumption of the school, with perhaps a considerable surplus to aid in defraying other expenses. This land should be obtained immediately ; because it may now be had at a very reason-

able rate; but if the purchase should be deferred a few years, it will cost a much greater sum, as adjacent lands are destined to increase rapidly in value. Again, if the purchase were now made, the whole farm could be laid off and arranged to much better advantage. And further, since the citizens of Eldora have been so liberal in donating lands to the school, the state might well afford to purchase another half section, which, in addition to what she now owns, would constitute this the best reform school farm in the world.

All this is quite in accord with western ideas of the broad acres needed for respectable farming.

The institution consists of a male and female department, the former of which is now accommodated on the new site at Eldora, and the latter still remains on the old site at Salem, where it is proposed to let it remain till the expiration of the lease in 1878, when it will be removed—at least such seems to be the present intention—to a new building to be erected on the 80 acre lot, at the distance of a half mile from the boys' department.

This reformatory appears to be in excellent hands, and to be doing an excellent work.

6. *Kentucky.*

The report of the board of managers of the Louisville House of Refuge, bearing date December 31, 1873, is the eighth in the series of annual reports of this institution. It affords abundant evidence of the continued excellent management and prosperity of the refuge. Of it the board of managers bear this testimony:

That the present house of refuge has, so far, proved a grand success, none can doubt if they will give the superintendent's report a careful examination. Since the opening of the institution six hundred and fifty homeless and wayward youths have been admitted, and found a comfortable home for the time being. Of that number four hundred and sixty-five have been furnished homes, honorably discharged, or returned to parents. A large portion of them are doing well; many of them have good positions in society and are respectable and industrious men. Let us, then, not be weary in well-doing, but let us continue to press forward in our efforts to "succor and to save."

A female department was opened in 1872, in a separate and admirably constructed building, of which the superintendent, Mr. Caldwell says:

The results of this new enterprise have exceeded our most sanguine expectations. We have already twenty-eight girls. The management of these refractory girls has been a far more delicate and difficult task than the control of the boys. It has cost us very great care, trouble, and anxiety, but our success has amply repaid us.

Mr. Caldwell proposes the immediate addition of a colored department, a proposition enforced with weighty arguments both by him-

self and the board of managers. He proposes also a new feature in the work of juvenile reformation, corresponding in essential characteristics to the intermediate prison in the Crofton or Irish system, as follows :

I have, in a previous report, invited your attention to the necessity of an additional building in which the boys who had made considerable progress in the way of moral recovery and in the establishment of correct habits, might be separated from the rest for certain periods and given larger freedom and greater trusts, by which their honesty and stability may be fairly tested before their final discharge, and by which, too, they may have ampler opportunities to practise those habits of disciplined self-control which will be so needful for them when they go out again into society. Such an outer and higher department would be a constant stimulus to improvement to those in the inner, while it would be fully understood that a failure in this graduating school of discipline would surely result in a stricter regimen and closer treatment in the inner department. It seems to me essential to the completed triumph of our work, that we have the facilities by which to educate the boys in a spirit of self-respect, self-restraint, and faithfulness to trusts, so needful for their preparation to meet the duties and obligations of life.

It would be pleasant to cite copiously from this excellent and even eloquent report, but room can be made for only the following passage, in which Mr. Caldwell sets forth the dignity and beneficence of the work which aims to lift up and save the fallen and the lost among our youthful populations :

Every year the mission intrusted to me grows in interest and importance. As experience reveals new and better methods, it also enlarges before my mental vision the boundaries of the work to be done, and unfolds new ideals of excellence in it that are more difficult of attainment. It is impossible to over-estimate the benefits not only to individual lives, but to society, which this enterprise promises. To stretch out the hand of help to these misguided children and youths whom the evil influences ever about them, like a poisonous air, have corrupted and perverted to ways of crime ; to rescue them on the one side from the cell of the felon and the ignominious association which must almost certainly seal their doom, and on the other to save them from those companionships, those vicious practices, and all those sights and sounds of sin, that work upon their young lives such a swift and dreadful demoralization, to bring them into a purer and sweeter air, to surround them with gentler and better influences, and, by the combined power of love and authority, to train them to habits of obedience, industry, and moral restraint—to make out of such unpromising material the good and honest citizen and the useful member of society, is a work noble enough for any ambition.

To take the girl from the streets in her rags and ignorance, growing up amid scenes of vice and sin that are daily defiling and despoiling her young life, and rushing to inevitable and unspeakable moral and social ruin, to put upon her a clean robe without and within, to clothe her in the beauty and glory that are to adorn a true womanhood, is a task fit for the angels.

Simply in its social and moral aspects, it has about it a dignity and a joy which, with all its trials and difficulties, bring with it a perpetual recompense. But when we think that we are working upon material that is imperishable, polishing and adjusting the delicate but poisoned wheels of a machinery that will run on forever,

it may be on upward planes of light and strength, our work assumes a new grandeur and importance. We feel that we are working in harmony with all the beneficent forces of humanity, and even of Heaven itself, for the elevation of society and the rescue of wandering souls.

There are many discouragements and perplexities attending this work. The care and the vigilance demanded are unremitting and exhausting. The time is often so great between the toil and its finished result, between the sowing and the flowering and the fruitage, that patience grows weary in her long waiting. But we know that the rapid growths are not healthful growths. There may be nothing in nature that grows so slowly as right character, or that takes such long and careful culture, but there is nothing in all its wide realms so beautiful or so enduring.

7. *Louisiana.*

The house of refuge at New Orleans is among the earlier institutions of its kind in the United States, having been organized in 1847. Mr. Starks, the present superintendent, in communicating the statistics for the year 1873, adds this remark :

Owing to the unsettled state of affairs here and the changes politically, there has been no printed "report," that I can find among the records of the office, since the year ending June 30, 1859, by superintendent H. S. Forwood.

At the date of his communication to me—April 16, 1873—Mr. Starks had been at the head of the institution fifteen months. He appears to be a competent and earnest worker in this cause, actuated by an honest and faithful purpose to promote, by a diligent use of the agencies at his command, the best welfare of the vicious children and youths committed to his care. His principal assistant, who holds the position of deputy superintendent and teacher, is a man of kindred spirit and purpose with himself, and devotes himself with zeal and assiduity to his work. But these excellent gentlemen are crippled and hampered in many ways. The institution evidently needs re-organization and increased pecuniary means. It is much to be hoped that political affairs will soon become more composed and stable in Louisiana, so that greater attention may be given to moral and social progress, and that the house of refuge will not be forgotten in such reforms as may be inaugurated.

8. *Maine.*

The State Reform School of Maine has been in operation for twenty years, and has undoubtedly accomplished much in the way of reforming vicious and criminal boys ; but both superintendent and trustees complain that they have never been properly supported by the legislature of the state, the appropriations having been always so small that it has been necessary to keep the boys too con-

stantly employed in earning a living, and that, as a consequence, there has been too little time to devote to schooling, and salaries have been, from necessity, so meagre that the right kind of assistants could not always be secured. In confirmation of this, they show that in the states of Massachusetts, New York (western house of refuge), Ohio, Maryland, Connecticut, Vermont, Minnesota, and New Hampshire, the average appropriations for each inmate of their reformatories have been \$161 a year, while in Maine it has been only \$95. They certainly make out a case against their own legislature, convicting it, I will not say, of niggardliness, but at least of a want of due liberality in the interest of so good a work.

But I cannot agree with the superintendent that "the time has come for the state to adopt a more liberal policy towards this institution, or abandon it altogether." On the contrary, I am quite inclined to think that it had better be continued for all time to come on the same or even a more moderate scale of appropriations, than to be closed up and the children whom it shelters, and many of whom it saves, should be abandoned to the careers of vice and crime, on which they have unhappily entered. The great Swiss teacher Pestalozzi, whose genius wrought a revolution in educational work, took all boys of sound constitution and health, and fed and educated them without compensation, reimbursing the expenses of their education from the proceeds of their labor. Ninety-five dollars per inmate is a great advance upon those terms. There is a reformatory in Belgium—that of Ruysselede—where the boys pay all expenses by their labor, and have for years earned, in addition, a clear net profit of 3,000 to 10,000 francs a year.

Nor can I any more agree with Superintendent Hutchinson in the doctrine laid down in the following extract from his report :

If this institution ever accomplishes the object for which it was started, the idea that the boys must earn a certain portion of the money needed to pay its expenses, must be abandoned. I do not mean by this that the boys should be allowed to remain here and do nothing, learning no industrial pursuits, or not be employed a portion of their time in some manual labor. But what I do mean is this, that the state should appropriate a sufficient amount to run the institution as it ought to be, without any regard whatever to the earnings of the boys. Let them be required to work just as much and no more than will conduce to their elevation and improvement, and let what they do be so managed that it shall be regarded by them as a pastime rather than an irksome task.

This I look upon as an utter heresy, and the policy which it suggests as of far worse tendency, in its moral effect upon the boys, than the parsimony charged upon the legislature. These boys,

unless they live by crime, have got to earn their living by the sweat of their brow when they leave the institution ; and, therefore, they should be required to do all they can towards earning it while there—all, that is, which is not inconsistent with the other objects of their temporary sojourn within its walls. To be required only to *play* work in the reformatory, to have their labor there organized upon such *dillitante* principles that they may look upon it as a “pastime” rather than a “task,” is not the way to make *men* of them, or to fit them for the toils, the struggles, and the competitions—the rough-and-tumble life—of that real world, for which the reformatory training ought to be, in all things, a genuine and a thorough preparation. In reading Mr. Hutchinson’s report, until I came upon the passages which have formed the subject of the foregoing criticisms, the impression made by it upon my mind was : “things are moving on well in this institution ; there is admirable work done here ;” and to nothing was this impression more due than to the picture of busy and useful industry which farm, brickyard, chair-shop, shoe-shop, etc., etc., placed so vividly before the mind’s eye. The two parts of the report seem to me to stare each other in the face in an awkward and unlovely manner.

Yet it must be said, in all fairness, that there are alterations and improvements needed in the institution, essential to its highest efficiency and to the best results, which will cost money. The trustees, in their report, have drawn up, with much skill and force, an outline of the reforms needed, and have enforced them with arguments of great weight and cogency, to which the legislature will do well to give heed, when next convened for business, if indeed they have not already done so at their last session.

9. *Maryland.*

α. HOUSE OF REFUGE.

This is among the earliest of American reformatories, and has been for many years under the management of one of our ablest and most distinguished reformatory officers, Mr. William R. Lincoln. The success attained is, with pardonable pride, referred to in the following citation from the report of the board of managers :

One of the most gratifying incidents of the past year has been the increased number of former inmates who have visited the house, especially on its holiday receptions. Many of these have arrived to manhood ; some are married ; most are more or less profitably employed ; not a few occupy positions of trust ; and all are giving good evidence of the lasting moral influence of the discipline of the institution.

The following extract from the managers' report offers a pleasing picture of the industries carried on, and of the good results, both financial and moral, accruing therefrom. Attention is asked to the contrast between the sentiments expressed in this document and those embodied in the report of the superintendent of the Maine reformatory on the same subject :

The annexed tabular returns of the superintendent, among other interesting statistical items, will exhibit in detail the employment of the boys. The department of labor is one of the most important in the systematic discipline of the house. The boys are our engineers, gasmakers, farmers, tailors, bakers and shoemakers. Under proper overseers, they make their own clothing, raise their own vegetables, and do their own cooking and laundry work. In all this, it will be observed how much three hundred boys, whose average age is but thirteen or fourteen years, are able to accomplish toward the making of the institution self-sustaining.

But besides this, it is also to be noticed that one hundred and fifty-five boys work under contract at various manufactures, and thus are instructed in trades by which they may more readily find useful employment when discharged from our care. It is true that but few remain long enough with us to become proficient; still the great object of their occupation is to a large degree gained. By regular labor they are mainly taught that with industry and a will they can do much, of themselves, to obtain an honest livelihood, and then their previous habits of idleness, truancy and vagrancy, which constitute the chief causes of their delinquency, are broken up.

In further describing the operations of the institution for the past year, the managers say :

The moral discipline of the refuge in its several departments remains without change, as exhibited at length in former reports. Although specifically a school of reform, it is also truly an educational institution, in which the physical element just referred to is a helpful and important adjunct. The day-schools and the Sabbath exercises, however, must more confidently be depended upon for lasting reformation than mere bodily restraint or the discipline of the work-shop, how invaluable soever in their proper place these may be. The religious instruction dispensed in the regular Sabbath services of the chapel, as conducted by ministers of various denominations, is entirely voluntary, and under no other restriction than that the Bible with its simple precepts shall be the only text-book in their addresses to the heads and hearts of their young and impressible hearers.

To the teachers of the Sabbath school we are indebted for the untiring interest shown in their chosen work. Coming as they do from the city at all seasons and in all weather, they exhibit a truly missionary spirit that entitles them to our respect and sincere thanks.

The day-schools maintain their place in the special regards of the board as one of the most important elements in the scheme of juvenile reform. It is to this department we look with most solicitude for the results of our discipline, and it is here that we have been rewarded, in return, by evidence of what may be accomplished by the restraints thrown around the former truant and the enforced occupation of the vagrant mind, through the stated task and the instructive lesson, during the two daily sessions of the several schools.

b. HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN.

The opening sentences of the board of managers will explain the nature and hopefulness of this new enterprise :

The board of managers of the "House of Reformation and Instruction for Colored Children" respectfully present their first annual report. In doing so it is their special gratification that they can congratulate you and the people of Maryland in general, that we have an institution that will confer the blessings of good training and discipline upon a class of persons hitherto deprived of such advantages.

The doors of our jails and penitentiaries were open to receive them, but a home was not offered in any reformatory institution in which they would be free from the influence of bad example, and, under the guidance of those who would cultivate their better nature, become useful men and citizens. We hope to do this good work ; to diminish the number of prison inmates, and prove that we have really a house of reformation and instruction, which will diffuse its blessings throughout our state, and make it the debtor, however liberal may be its contributions. The discipline is paternal. There is no semblance of prison life. A home is provided where no bolts or bars confine the inmates either by day or night, and after a few weeks they generally show no disposition to escape. There are at present seventy-two boys in the institution, and no boarding school has a more contented class of pupils than those under the care of Gen. John W. Horn, superintendent, whose mild yet firm discipline, and the zeal and energy with which he discharges his duties, have secured the approbation of the board and won the confidence and affection of those under his care.

A few sentences from the report of General Horn are added :

As superintendent of this institution, I present this, my first report, for the year ending December 31st, 1873.

As you are aware, the house was opened for the reception of inmates on the 1st day of January, 1873—a small addition having been made to the old farm mansion for use as a sleeping apartment for such boys as might be committed to our charge. All over our state the necessity developed itself that some provision should be made at once for the houseless, homeless, vagrant, incorrigible, and criminal colored children who were inmates of our jails and station-houses, and paving their way to the penitentiary or scaffold. This necessity impelled you to throw open the doors of this house, and with limited accommodations endeavor to save at least a portion of the ignorant, erring children of a common Parent. On the fourth day of February our first two boys were received, and from that time to this our number has rapidly augmented, until we have now 72 happy and contented boys. Many of them came to us sullen and dejected, feeling no doubt that incarceration and punishment were to be their portion, and that they would be confined by bolts, bars and dismal walls, and cut off from communication with the outside world, receiving nothing but kicks and cuffs and gloomy looks from those set in charge over them. When they began to realize, however, that the very reverse is the case, that no walls or bars restrain their liberty, and that no unkind word is ever spoken to them or in their hearing, their despondent looks soon pass away, and a more hopeful, cheerful, and intelligent aspect is perceptible. We bend our energies towards gaining the boys' love and respect (a not very difficult task to any one of ordinary intelligence and patience). This accomplished, we think the work of reformation fairly begun. Although we have not been engaged in this work much over ten months, we find about one-third of our number in every way worthy of trust. They may be found every day during the week at work in small

squads on different parts of this large farm, under the supervision of one of their own number ; and not in one single instance has our confidence been betrayed. Should sufficient buildings be erected to enable us properly to grade our boys in both age and conduct, those not yielding to the restraining and humanizing influences thrown around them will be very few. After an experience of six years in reformatory labor, I am convinced that a mild yet firm discipline tends more to restrain and reclaim the wayward than any harsh or severe measures that can be resorted to.* Hence we endeavor to rule by kindness and moral suasion, appealing to the sensibilities of the boys and all that is noble in their natures, rejecting whatever may have a tendency to degrade or lower the boy in his own estimation, and teaching all that when punishment has to be inflicted upon any, it is done more in pain than in anger.

The report was accompanied by a letter from General Horn, from which these sentences are taken :

We have only been in existence one year from the 1st day of last January, and in that time all our buildings had to be erected. While the work was going on, we received and cared for all boys sent to us in the old Mansion house, to which we had added an additional room, to be used as a dormitory. At this time we have a main building finished, 50 feet front by 148 feet deep, containing the superintendent's dwelling, boys' kitchen, laundry, dining-room, public and private offices, reception and linen rooms, sewing room, chapel, etc., the whole being furnished with water and gas throughout. We have also one family building finished, intended for the use of fifty boys, although we can make it accommodate seventy quite comfortably. It contains a boys' play room, school-room, dormitories, vegetable and fuel cellar, teachers' sitting-room, two chambers, and an invalid room, all now in full operation. Our boys at this time are divided into two classes, one-half at work in the morning, the other half in school, and *vice versa* in the afternoon, sufficient time being given for amusement and play. All the branches of a common school education will be taught them. We have a farm of 750 acres, valued at about \$25,000, the gift of Enoch Pratt, Esq., of Baltimore city. Our buildings have cost about \$54,000 exclusive of furniture. We conduct our house on the principle of a large family, having no bolts, bars, or walls to restrain them, and yet few of them make any effort to leave the place. We are converting our land into a fruit farm as rapidly as circumstances will permit, and we hope and expect, in the not very distant future, to make our institution self-sustaining, requiring no outside aid. Nearly all our boys come to us in deplorable ignorance, only about one in ten being able to read the simplest lessons, while the great majority do not know the alphabet.

10. *Massachusetts.*

a. BOSTON HOUSE OF REFORMATION.

This was the second reformatory institution established in the United States, having been opened in 1827, two years subsequently to the inauguration of the house of refuge at New York. It was originally under the charge of the Rev. Mr. Wells, one of the most distinguished among our American reformatory men, who was highly eulogized by De Beaumont and De Tocqueville, in their

*Five of these years were passed at the head of the Maryland state prison, and this testimony to the power of kindness is, therefore, all the more valuable.

report to the French government on the penitentiaries of the United States. It has been very much modified in its character since then, and now forms one of a group of institutions under the care and management of the Board of Directors for Public Institutions of the city of Boston. In their report for 1873, the board speak in the following terms of this institution :

Should the number of adult inmates continue to increase in the same ratio, which we may reasonably suppose, there will be a demand for the removal of the house of reformation for juvenile offenders. This project also has engaged the serious consideration of the board during the year. There are at present three classes of boys committed to this institution. First, truants from school and stubborn children, most of whom have parents or guardians who generally provide good homes for their children, and who are sentenced for terms varying from six months to two years ; second, juvenile vagabonds, who either have no home, or are neglected and allowed to wander about the streets exposed to temptation, and, like the truants, are committed for a comparatively short period ; and, third, juvenile offenders who are confirmed in vicious habits, guilty of theft and various crimes, and who are committed for minority. The portion of the main building now used as a house of reformation admits of no suitable classification, and the boys of these several classes must necessarily come in contact each with the other. The best interests of these boys and of the community seem to demand an institution separate from any other, where they can be properly classified and graded, and this subject, as well as that of providing a proper home for the poor, is earnestly commended to the careful consideration of the city council.

b. STATE REFORM SCHOOL FOR BOYS.

The institution at Westborough is, perhaps, to a still greater degree than the house of reformation at Boston, changed from its original character and purpose. It is no longer, in the strict sense, a reformatory for young boys, but a prison for young men ; or rather it partakes of the character of both, while the union is neither suitable nor advantageous to either. This change began some years ago, and was noticed by the board of state charities as far back as 1870. In their report for that year the board say : " The scheme does not imply the abolition of the reformatories as places of custody, but would simply change them from places of custody and confinement for all, to places of confinement for the incorrigible." Again, the same report remarks : " Under the present system the incorrigible cannot be restrained and confined without such severity of discipline as is not only useless, but positively harmful, to the docile and the corrigible." The board of trustees thus animadvert upon this change :

It is now several years since the adoption of a policy by which the character of the institution has been gradually changing ; by which it is losing its character as a reform school for boys, and becoming a place of confinement for criminals. This change of policy has brought young men, from sixteen to eighteen years of age, many of them familiar with crime and perfectly reckless, into an institution designed for boys from

seven to fourteen years of age, and into buildings inherently weak in their construction, ill-adapted in their appointments, and insufficient in their capacity. It brought them into an institution with which a farm of two hundred and sixty-three acres is connected, but the farming operations cannot be brought within its walls; and unfortunately the character of the inmates is such that they cannot, with safety, be taken out upon the farm. They were brought to an institution where the public demanded that the discipline should be parental, even though the conduct was not filial, and where even solitary confinement must of necessity be coupled with more or less associates.

We have protested, respectfully but firmly, against this departure from the original design of this institution, and from the purpose of the "eminent citizen" who "offered a munificent sum to aid" the enterprise. We have claimed, and facts have abundantly justified the claim, that the buildings were not strong enough for the persons now sent to them; but we have most of all deplored the introduction of this new element on account of the insurmountable obstacles it presents to the improvement and reformation of the better class, and because its power to pull down is greater than that of the officers to build up. * * * * *

Situated as we are, we cannot apply the principle of sequestration recommended, nor can we avail ourselves of its benefits. Instead of surrounding the "unsound by the sound," we are obliged to surround the comparatively sound by the unsound; instead of reforming the vicious by the influence of the virtuous we must keep the comparatively virtuous under the influence of the vicious, and the effect is deplorable. Fearing this at first, we objected to the reception of this worse class of boys. Knowing it now, we urge their removal. But if this cannot be, if it is the settled policy of the state to keep in this institution the class of boys now here, then we must urge such a re-arrangement of the buildings, and such additions to them as will enable us to keep the more vicious separate from the less vicious, and to adapt the discipline, the instruction and the labor to their condition and character.

The institution has changed its head during the year under review. The trustees speak thus both of the out-going and in-coming incumbents:

Mr. and Mrs. Evans, who for five years had filled respectively the offices of superintendent and matron, resigned their position in May, and in a few weeks left the institution. Their administration was characterized by great faithfulness to duty, abundant efforts for the best good of the boys, constant care for their health, and a rigid economy. The farm, under Mr. Evans' management, was improved both in appearance and productiveness. They left the institution, after years of faithful service, with the best wishes of the trustees and the good-will of the inmates. Their places are supplied by Colonel and Mrs. A. G. Shepherd, and the trial of a few months indicates that they are well supplied.

c. STATE INDUSTRIAL SCHOOL FOR GIRLS.

Mr. Ames is one of our best reformatory superintendents, and of course has one of our best reformatory institutions. His reports are always terse and pointed. We make room for a few extracts from that for 1873:

The inquiry naturally arises, what has been the condition and what the progress of those under our care for the past year?

Physically, the families have been highly favored with general health. Only one death has occurred. The conditions of general health are well secured by the purity of our atmosphere, the healthful diet, the abundant recreation and sleep, and freedom from unhealthy excitements.

Industrially, our girls have made progress in those arts which are above all price in value to the comfort, order and happiness of all homes, and are especially needful for their own personal support and usefulness in the families they may soon enter, as well as an essential preparation for the homes that may yet become their own.

We have knitted, besides the stockings of our own wear, one hundred and seventeen dozen pairs for sale, and fifty-two dozen pairs for the boys at Westborough.

There have also been made upon the sewing-machine nine hundred and ten night-robes and three hundred and fifty-one ladies' skirts.

But the chief labor, as heretofore, has been the careful, systematic practice of the different departments of household work, alternating from the sewing room to the laundry, kitchen and chamber-work, as age and strength have indicated their fitness.

Mentally, the girls have made decided progress, with very few exceptions. Several have been sent to us of a very low grade of intellect and with scarcely any previous instruction in school. Hence their progress has been slow; but the majority have made average improvement, perhaps, with girls of their age and advantages.

Not alone have they been profited by the knowledge derived from their text-books, but also by the general instruction imparted by intelligent teachers, by the habit of application of mind, and by the discipline of the school-room; these constitute an essential part of our training to elevate them above the associations of their former life, and they largely contribute to make them worthy members of society.

Mr. Ames then goes on to the "*morally*," which he rightly regards as crowning all the rest. He remarks:

Not houses of order and neatness, not schools with all needful books and rooms, not all appliances for labor, not simply detention and labor here for a season, are the objects in view, but the *reformation* of girls in the commonwealth needing reformation. Not any outward reform while here, observant of rule, of work and of study, only the more quickly, after they leave, to return to former courses of life; but a reform in purpose, in plan, in desire, in choice, and in conduct, having a spirit in sympathy with whatever things are honest, pure and of good report.

This is the ideal we have set before us, and we have been cheered in our efforts by the growing interest manifested, the marked advance in knowledge, the increased facility in work, the apparent spirit of penitence, and the manifest change of conduct, on the part of some of the older as well as the younger girls; of some who had been most vicious and hardened, as well as the more quiet and obedient. We have learned to despair of none; and we are encouraged by the purpose of many to continue in ways of well-doing.

11. *Michigan.*

Mr. Johnson, superintendent of the State Reform School of Michigan, gave a full and highly interesting account of that institution to the Congress, which will be found on pages 111 and 112 of these Transactions, and to which, therefore, reference is here made.

12. *Minnesota.*

The State Reform School of Minnesota for boys and girls is one of the younger of the sisterhood, but is among the fairest and most

healthful. It has been in existence six years, and has enjoyed the great advantage of having had but one superintendent, a most excellent one too, in the person of the Rev. J. G. Riheldaffer. A few extracts will be taken from his report, submitted to the governor and legislature in the joint name of himself and the board of managers. He thus speaks of the encouragement they have had in their work, and its sources :

The past year has been one of great encouragement in our work. The good deportment of the inmates ; their ready obedience to the requirements of the institution ; their progress in learning and their success in overcoming habits and practices that were the cause of their commitment, we take as most favorable auguries of their future good character.

Mr. Riheldaffer draws up a terrible indictment against intemperance, as the evil genius that sends an immense proportion of these unhappy children to the reformatory. He tells of three families, from each of which three sons were sent there by the drunkenness of their parents, and of six others, from which two each, in like manner, became inmates, from the same cause. After stating these facts, he adds :

Fearful as is this list, it by no means exhausts the subject. We have only named those cases in which two or more of the same family are here because of intemperance on the part of their parents. Could we examine into the history of each individual inmate, who is now, or has been in the institution, we would discover many more whose young lives are clouded by the intemperate habits of their parents. If this one source of crime could be cut off, it would soon greatly diminish the number of criminal youths and adults, who are now supported in the penal and humane institutions of the commonwealth. But so long as these flood-gates of misery and crime are kept open, and poor helpless innocence must, from its connection with debauched parents, drink of these waters of death, we may rejoice that it is in the heart of the people of the state to provide a refuge and the means of education and reformation for these unfortunate children.

Of industrial occupations the following statement is made :

We cultivate all the land belonging to the school, most of it in garden and such other crops as require the use of the hoe and the pulling up of weeds, which make work for small boys.

Most of the older boys are employed in the shops where they are learning trades, by means of which we trust they will be able to support themselves hereafter.

In the shoe-shop we have employed a less number of boys than during the preceding year, and in consequence have manufactured but little beyond what was required for the inmates and for customers in the neighborhood.

In the tin-shop ten boys have been worked during the year, and they have made commendable progress in acquiring a knowledge of the trade. In order to make sale of our manufactured tin ware, we found it necessary to send out a tin wagon to peddle it off. This has been so far successful as to dispose of most of what has been manu-

factured in the shop. Besides this we make occasional sales to dealers in the city. This shop has done all the work for the use of the institution, and the tin work upon the new buildings.

After speaking of the general "spirit of the inmates," and of certain customary recreations and pleasures granted on public holidays, Mr. R. gives the following account of a novel gratification, never before, it is believed, accorded to the inmates of such an institution :

In addition to the foregoing privileges and liberties, we have, during the present autumn, given the boys a still greater and more enjoyable privilege. During the early part of September, provided with tents, blankets, camp equipments and provisions, we marched to a lake seven miles from the school, and held the "First State Reform School Encampment" for the space of three days. It was an entire success, and never were boys more delighted. While this experiment imposed a good deal of care upon us and caused some anxiety, we were amply repaid by the good conduct of the boys. The time was spent in boating, fishing, and engaging in various athletic sports on the banks of the lake. On the third day all returned home in good order, and nothing occurred to mar the enjoyment of the occasion. This encampment had a good effect upon the school. The time and attention given to it were well bestowed ; and the experiment should be made a precedent to be followed annually.

Of the results of the general work Mr. Riheldaffer speaks in these terms :

We point to our boys who have been sent out into the world with our confidence and recommendation, and *ask to be judged by them*. The discharged now reach over 100, and of most of them we are informed of the standing and character. They are at work in stores, in shops, on farms, on railroads, in pineries, in mills, etc., etc. *They are doing well*. We do not know of a single one being honorably furloughed, who has been arrested for crime. We hear on all hands, and from the most trustworthy sources, of the good conduct of these boys.

13. *Missouri.*

Of the House of Refuge at St. Louis no report has been published for 1873. There has been a change of administration during the year, Mr. Gleason having been replaced as superintendent by Mr. J. D. Shaffer. In place of a report, I have a letter from Mr. S. in which he says :

Our location is favorable for good health. We have fed and clothed our inmates well, and have allowed them many privileges ; in fact, we have treated them as children in a well-ordered private family are treated. We believed that such treatment would hasten reform, and the result has verified it. One of our officers takes out every week to church about 60 or 70 of the boys, and when the weather is pleasant, all the boys go out to a park two miles distant, accompanied by three or four officers of the institution. The behavior has always been good on these occasions, and the effect on the inmates wholesome.

14. *New Hampshire.*

The State Reform School of New Hampshire is evidently in a sound and healthy condition, and appears to be doing its appropriate work thoroughly and effectively. The superintendent, Mr. Edward Ingham, is "the right man in the right place;" his assistants are, in the main, capable and efficient; the trustees are watchful and assiduous; the attention of the children to their studies and their progress therein have been satisfactory, and their moral improvement encouraging; the cash product of their industry last year was double what it had been the year before, and quadruple that of any preceding year; the discipline is mild but effective; no death has occurred in the institution for more than four years; and while, in respect of food, clothing, etc., nothing has been wanting to the comfort of the inmates, an exemplary economy has marked the financial administration. Upon the whole, the state may be safely congratulated on the substantial success of the reformatory work done in its name and by its authority.

15. *New Jersey.*

a. STATE REFORM SCHOOL FOR BOYS.

The general condition of this institution may be learned from the following extract taken from the report of the trustees:

The school has gradually increased, and now numbers one hundred and sixty boys. It has averaged forty-nine more than during the preceding year. The institution is in as satisfactory a condition as it has at any time been since its establishment. The discipline is readily submitted to by the boys, instances of insubordination rarely occurring. Commendable progress has been made in their studies by most of them, and a large amount of labor in its various departments has been effected. We can not but believe that the benefits resulting from the instruction received here will be manifested in the future lives of many of the pupils.

The following views, put forth by the trustees on the subject of religious teaching, are liberal and just:

As religion is the recognized foundation of morality and of intelligent obedience to law, the simple cardinal truths of the gospel, as revealed in the Holy Scriptures, are presented to the boys in a manner to which few citizens would take any exception. It might be desirable to some parents to have their children specially instructed, during the brief period they are to remain with us, in their own religious tenets, but on a careful consideration of the whole subject we think the practice we from the first adopted truly catholic, and best calculated to promote the harmony of the institution and its permanent welfare. We also think that a father or guardian who so grossly neglects the care and training of his boy that the justice of the supreme court is obliged to send him, for his misdemeanors, to the reform school, as a ward of the state

and at its expense, is not entitled to direct the future education of the child. Yet the religious convictions of the humblest citizen ought to be sedulously respected, and the trustees, acting on behalf of the state, as guardians of these its children, would deem it wrong to use their position for the purpose of unsettling the faith of any of their pupils, or of advancing the interest of any sect. We have never made the denominational bias of any of our inmates the subject of inquiry, and we desire the entire exclusion of everything that can properly be regarded as sectarian. We are always glad when prudent, religious persons of any denomination feel it in their hearts to come and aid the officers in their arduous work by impressing upon our boys the duty and the beauty of godliness, "which has the promise of the life that now is and of that which is to come."

b. STATE INDUSTRIAL SCHOOL FOR GIRLS.

This reformatory, at the date of the report, Nov. 5, 1873, had been in operation only two years. Its actual status will be seen from the following sentences cited from the report of the trustees :

The trustees of the state industrial school for girls respectfully report that the school has been continued during the past year at the rented property at Pine Grove, which has in most respects been very satisfactory as a temporary location. As stated in our last report, the trustees were then inquiring for a small tract on which to establish the institution permanently. During the winter a farm of eighty acres in the township of Ewing, lying about one and a half miles northwest from the state house, was, with the approval of the board of control, purchased for \$12,000. It is secluded from the ordinary course of travel, and yet so near Trenton as to be readily accessible. The location is healthful, the soil naturally fertile, and a fine spring on one side of the farm will supply the school with abundance of pure water.

It has at times been a source of regret to us that the school has not more rapidly filled up ; but the result in the formation of more correct habits by the girls, and the establishment of a kind of public sentiment among them in favor of good order and morality, reconciles us to the longer continuance of a small number. New comers, arriving singly, generally yield with little resistance to the necessary discipline of the school, when they see all the other pupils cheerfully submitting to it. Evil language, to which some have been sadly accustomed, soon ceases to be heard, and cleanliness takes the place of filthy or untidy habits. Modest demeanor and an observance of the known wishes of the matron follow, and gradually the whole current of thought and purpose become *apparently* changed. Disobedience is a thing almost unknown. The rules of the institution are probably as well observed as in any boarding school.

In the ordinary routine of daily life at the school, most of the girls are employed at needle-work during the morning, whilst one of their number frequently reads some interesting work aloud. Eight or ten are engaged at the same time in the kitchen and laundry, and in the general care of the house. Those engaged in these services are returned to the sewing-room at a specified time, and others take their places. Thus by turns all receive instruction from the housekeepers and assistant matron in the various details of domestic life, and though at first unskilful, they work with alacrity and soon learn to perform their duties well. In the afternoon all the pupils are collected in the school-room, and their progress under the literary instruction of the teacher is in many instances marked.

The antecedents of these girls have been sad. Utterly neglected or reared in squalid poverty, in some cases even trained to evil by those who should have taught

them aright, they were brought to us, under the operation of law, in a condition moral and physical which was truly deplorable. But through the beneficence of the state and the self-denying labors of the matron and other officers a wonderful change has been effected, and we have reason to believe that their future lives will compensate for the efforts which have been bestowed upon them. Several who are placed at suitable homes in the country have so conducted themselves as to win the approval of their new care-takers.

16. *New York.*

a. NEW YORK HOUSE OF REFUGE.

This is the mother of all juvenile reformatory institutions in this country, and, I think, throughout the world. What a noble progeny she can boast ! Her daughters are counted by hundreds, almost by thousands. Yet she has scarcely reached her fiftieth year, and her health and strength and power of usefulness are fully equal to what they have been at any period of her past history.

The following paragraphs from the report of the able and experienced superintendent, Mr. Israel C. Jones, will show the present condition and working of the refuge, at the same time that they give us his matured views on several important questions connected with penitentiary and reformatory work, :

The general health has been good. Only two deaths among the inmates have occurred during the year.

The schools and the Sunday schools and chapel services have had no interruptions.

The female department, under the immediate supervision of Miss O'Bryan and the corps of matrons and teachers, has produced satisfactory results.

Several boys, beyond the legal age, were sent, but I felt compelled to refuse them admittance, fearing their bad influence among the boys legitimately here. It is a matter of regret that there is no place short of the penitentiary for such cases. Many of these young men, under judicious reformatory influences, would become good men. Let them be taught a trade, give them an opportunity to earn something for themselves to have when they go from the prison, and thus place in their hands the means and a motive to earn an honest livelihood, and fewer will be found returning to the criminal ranks. The present penitentiary system is defective in not having this provision. Several young men have applied to me during the year to aid them to get work, who had very recently come from prison, having been turned from its doors destitute of means to supply their pressing wants. In such cases, their exit from prison would seem to be the hardest part of their prison experience.

I am satisfied that a large class of these committed to the refuge can neither be given up to their friends nor indentured in the country, with the hope of either method given satisfactory results. If let go to their friends, they very likely fall into their old associations, and their condition is made worse. If sent to the country, very few feel content to remain ; and if they do, the best that can be said is that they have a chance. My experience is that they serve their time under many discouragements and for very small remuneration.

A longer detention in the house, a more thorough education, and a knowledge and skill of some trade or business imparted to them, by which they can earn a living when they leave the institution, would be better for the boy, and result in less expense

to the state. It is only by the application of restraints with kindness, by a power they cannot resist, that their restless minds can be controlled long enough to engage them in that occupation which will best fit them for future usefulness.

The introduction of a greater number of trades into the house is very desirable. So many learning one branch of business, even if they are all equally adapted to it, is very undesirable, its tendency being to injure that particular branch in the locality, and to make it more difficult for *all* to obtain employment.

The gardens, as heretofore, have been successfully cultivated, and they have yielded a good supply of vegetables for the institution.

New dining-room furniture has been obtained in both departments. The tables are made to accommodate twelve each, five on either side, and one at each end. Neat wooden chairs have taken the places of the old stools, and new dishes and other table furniture have been added. The dining-halls now present a very *unprison-like* appearance.

In reviewing the events of the year we find much encouragement in the work accomplished. There has been little to mar the peace and good order of the institution. The several departments have worked together harmoniously and prosperously. Evidences of the favorable results of patient, persevering labor with these unfortunate and habitually depraved youths of our city and state have multiplied with the years; and the present year furnishes no exception to former experience. The reports coming from masters of children who were indentured, have been very satisfactory; and the appearance of many who have called from time to time impresses us favorably as regards their well-doing.

The following passage from the report of the chaplain, Rev. Geo. H. Smyth, is an interesting statement of the work done by him in addition to his ordinary pastoral labors :

The chaplain regularly visits the schools every week, aids the teachers in the Sabbath-school instruction on the Sabbath, visits the workshops, dining-rooms, hospitals—male and female—is often among the boys when at play in the yards, visits many of the children's homes, taking and bringing messages of affection between parent and child, and it gives him pleasure here to state that in all these relations he has never received from either the parents or the children other than the most respectful attention and grateful appreciation of his services for them and the interest he has taken in them.

A pleasing feature in the agencies employed for the reformation and elevation of these young criminals is thus stated in the same report :

With the aid of the managers, the chaplain has been able to provide a regular course of entertaining and profitable lectures, which were generously contributed by some of the most distinguished men of our city, and greatly enjoyed by the officers and inmates of the house.

b. CATHOLIC PROTECTORY.

This is the largest reformatory institution in the country, and probably in the world, the average number of inmates for 1873, in both departments (male and female) being 1,629. It will be remem-

bered that an exceedingly interesting account of this reformatory was given at the Baltimore Congress by one of its board of managers—John E. Develin, Esq.—which was published in our last volume of Transactions. A few sentences are extracted from the report of Brother Teliow, rector of the boys' department, to show how things are going on there at present :

In presenting this report allow us first to state that the question is frequently asked in the community, are any of "the children of the street" ever really reformed? The New York protectory can confidently answer, yes. It can give abundant proofs of good results in many hundred cases.

We endeavor to furnish our charge with the thorough English course, by which they will be able to compete with their fellow-men on a footing of equality. With a corps of thirty-eight teachers and assistants especially trained for this work, we are enabled by a proper gradation of classes, and the most approved methods of teaching, to advance our pupils from the simplest rudiments to the highest form of common school education in the shortest possible time. During the last year we have added the elements of algebra and geometry to the mathematical course. In extent, our course of instruction equals that of any public school; while in thoroughness we need not fear comparison with any other educational institute. Music, which in many schools aspires to nothing more than the singing of a patriotic air to the piano accompaniment, can be thoroughly learned here. We have a full brass band and an orchestra of stringed instruments, composed of the pupils of the institution.

We have lately opened a school of art, in which (if that extension of training to qualified capacities be approved) boys can learn the rudiments of drawing and painting. These studies are open to all who show a decided talent for them. While, to a certain extent, they have a refining influence upon the whole school and furnish a pleasing and innocent amusement, they are not merely ornamental, but have already enabled our advanced pupils to find lucrative employment.

With a thorough elementary education we have combined the acquisition of useful trades. As a mere matter of discipline, regular, systematic employment is one of the most effective methods of directing the will and giving that healthy self-confidence to the mind, which is not the least of the essential prerequisites for moral worth.

Even from a material point of view, our workshops have been an eminent success. Our industrial department embraces a printing office, a stereotype foundry, shoe, tailor, blacksmith, machine, wheelwright, and carpenter shops; also chair-caning, baking, farming, and gardening. And here we remark that although in some instance the institution has lost money by the attempt to teach useful trades, as during the last year, when we sank a considerable amount in the printing establishment, the benefits which it conferred upon the boys employed and to be employed, by far outweigh any temporary sacrifices we are called upon to make. The boy who leaves the protectory after being there for some time not only possesses the means of earning his living, but also that moral stamina and those habits of industry which will make him a useful member of society.

During the whole period of the boy's stay at the protectory he is never one moment without superintendence. And yet, while he learns from the very beginning the utter impossibility of violating the rules of the house with impunity, he is never made to feel that this supervision, which rather prevents than punishes, is unnecessary or severe. The constant efforts of the Brothers are to discover and develop the talents and better qualities of their charges, of which even the most degraded are not entirely destitute, and to inspire them with confidence in themselves and in their future.

With all our efforts it is evident we should not be successful without divine aid. All true reformation must begin at the heart. In that movement the grace of God alone can help us. Without a positive faith, a sure hope, and an enduring charity, this work cannot be genuinely carried out, and only in religion can we find the power to redeem the lost.

c. JUVENILE ASYLUM.

This is one of New York's noblest charities. The general plan of the work conducted by this organization is thus sketched by the board of directors :

The method adopted for conducting the affairs of our institution necessitates what may properly be termed a triple superintendency :

1st. *The superintendent in chief* who, while domiciled at and having immediate control over the asylum proper, at the same time exercises a general supervision of the entire institution.

2d. *The assistant superintendent*, who is in charge at the house of reception, where the money and other accounts of the institution are kept, where all inmates are received and discharged, and which is the point of contact and intercourse with the public generally.

3d. *The western agent* who procures suitable homes for children placed under indenture, and conducts the responsible work of perpetuated guardianship, which forms the distinguishing feature of our chartered obligations.

The juvenile asylum receives a younger and less criminal class of children than the house of refuge on Randall's Island ; and not only children committed by legal authority are received, but such also as, being vicious and incorrigible, are entrusted to its care by their parents. The great feature in the work of this institution is that of obtaining homes for the children in the west, chiefly Illinois, in which state the western agency is situated. As illustrative of the good accomplished in this way, I can make room for a single paragraph only of the report of Mr. Wright, the western agent of the asylum, which is in these words :

Perhaps this matter of results cannot be better illustrated than by a short relation : A gentleman, whom I supposed to be a stranger, sitting beside me at dinner in a hotel in P—, drew me into conversation about the asylum, and from his interest in and knowledge of its affairs, I surmised that he had been a pupil there. After withdrawing to a private room, he said, " You do not recognize me, but I knew you at the asylum in 1860. You are doing a noble work, and for your encouragement I want to give you a bit of my personal history. My father and mother died and left me a friendless and homeless boy, a waif and wanderer in the streets of New York. I soon got into the company of boys, who led me into pilfering and thieving, and at length, while in the act of taking a package of shoes from a wagon, I was caught by an officer and committed to the asylum. I shall always count that the most fortunate day of my life. After remaining a year at the asylum, I was sent to Illinois with a company of children, and apprenticed to a farmer in S—, with whom I lived until I enlisted in the army. Returning to S— at the close of the war, I obtained employment as clerk

in a store, and I am in it now as a partner. I have a wife and child, a home and other property worth several thousand dollars, and am doing a prosperous business. My standing is such that I have been nominated for county treasurer, and the prospect is favorable for my election. This is what the asylum has done for me; and whether they appreciate it or not, I am sure I do, and I want them to have the credit." The saving of that boy did not seem to himself a small matter, and his story led me to feel that to rescue from ruin even one young life is a greater thing than we can fully realize.

d. WESTERN HOUSE OF REFUGE.

When application was made for the report of this institution for 1873, it had not then been printed, nor, whether issued or not, has it been received since. However, some account of it by Mr. Fulton, the superintendent, will be found in the report of the discussion on reformatory institutions in a former part of the volume, at pp. 112, 113. Beyond that, I have nothing further than the statistics which will be found in the appended tables.

17. *Ohio.*

a. HOUSE OF REFUGE.

The House of Refuge at Cincinnati is one of our oldest reformatories; and few, if any, are better organized, more ably administered, or more successful in the accomplishment of the great end at which all such institutions are aiming. Its devoted and able president, Mr. A. E. Chamberlain, thus speaks of the work of the refuge and its results:

Our house has proved a refuge to many; and our city and state may well be proud of its record, and point to it as a model institution of its kind. Much—very much—has been accomplished in rescuing children from lives of sin and crime. Hundreds have returned to visit the institution, and thank God and our good people for the benefits derived from their stay in the refuge. We do not profess to reclaim all committed to our care; and those with whom we have not been successful are, for the most part, by their vicious lives and conduct, upon the surface, and are well-known to the police of our city; while the hundreds who have been reclaimed are engaged in quiet, honorable avocations, and little known to the public. Out of three thousand children who have enjoyed the benefits of our institution, and have gone out into the world to act for themselves, by careful estimates we find that about ninety per cent. are leading orderly and useful lives.

The accomplished superintendent, Mr. Monfort, holds this language:

The reformation of the inmates has been kept steadily in view as the chief object to be attained, and the institution has not worn the aspect of a place of punishment. The general management has been the same as in former years. The board of directors have been faithful, visiting the institution every week, and frequently oftener, examining every child committed to our care, and making themselves acquainted

with the children in their conduct and progress, as well as with all the affairs of the institution.

The boys work at shoemaking, except those needed for the various departments of the house. All who are in health must work at something six or seven hours a day; our aim is to have them cultivate habits of industry. We would like to teach each one the trade of his choice if we could, but the great expense that would arise from the purchase of machinery and stock, the pay of foremen, furnishing shop-room, etc., with the small returns that would be made, would not justify us in such an outlay.

But few girls are committed. The girls do housework, washing, ironing, cooking, and sewing; and attend school in the afternoons.

The schools are five in number—four for boys and one for girls; they are in session three hours per day. The rooms are well fitted and furnished; the walls are painted; there are good black-boards, wall-maps, pictures, plants, and flowers; and a home-like appearance is given to the rooms that the children may feel comfortable and contented, and by this feeling be led to take a more active interest in their studies and exercises. Throughout the house, as far as possible, attractive influences surround the children.

They are taught to sing in concert, and frequently concerts and entertainments are given in the chapel for their pleasure and benefit by the officers. Friends from the city have contributed largely, on many such occasions, during the year. As far as it is in our power to do so, we make the institution a school for children, and not a prison.

That all this is true, the undersigned can attest from personal observation. He spent several days in the establishment last winter, and was strongly impressed with the discipline, order, kindness and efficiency, which appeared to mark the entire administration.

b. STATE REFORM FARM SCHOOL.

This institution, which has its seat near Lancaster, is one of the model reformatory establishments of the country and the world. Its type is the far-famed *colonie agricole pénitentiaire* of Mettray, in France, founded and for thirty-three years conducted, with unsurpassed ability and success, by M. Demetz, now no more. The reformatory of Lancaster is the worthy daughter of an illustrious mother. A full and very interesting account of it was given to the Congress by its distinguished head, Mr. Howe, which will be found on pages 109–11 of these Transactions, and which obviates the necessity of large citations from the report.

But an event of a novel and remarkable character, in the history of reform schools, took place last autumn in this institution, which, both on account of its novelty and its intrinsic and suggestive interest, cannot be passed without some notice. Of it the commissioners, in their annual report, say:

The reunion of our discharged boys at the farm, October 16, 1873, was a new thing under the sun, an occasion of great interest to the commissioners, officers and

present inmates, and an unmistakable testimony of the success of the institution as a reformatory. The following from a correspondent of the *New York Observer* affords an interesting and accurate account of that novel and remarkable gathering: "Reunions of families, of college students, and of soldiers are common occurrences, but who ever heard of the reunion of the graduates of a state reform school? Such a gathering took place on yesterday at the state reform farm school near this place. The invitation brought together a goodly number of its former inmates who had been honorably discharged during the last twelve years, and letters were received from others scattered over our wide land. These young men spent the morning in rambling over the farm, revisiting the old sandstone rocks on which some of them had inscribed their names in the by-gone years, and in plucking delicious grapes from vines of their own planting. Mrs. Howe, the excellent and beloved matron, prepared a good dinner, of which the guests of the state, who were once its wards, freely partook. At 2 o'clock p. m. a reception was held in the chapel in the presence of 430 inmates, the officers, and a large number of interested friends. One of the young men presided with grace and dignity. After prayer and a stirring song by a choir of boys, G. E. Howe, acting commissioner, made an address of welcome, Hon. J. A. Foot, of Cleveland, Ohio, one of the original founders of the institution, gave interesting reminiscences of its early history, Rev. B. W. Chidlaw, of Cincinnati, spoke of the encouragement which the occasion furnished to its present inmates, to the state which so generously supported it, and to the officers and employes, whose labor of brain, heart and muscle have produced such glorious and beneficent results in sending out over thirteen hundred boys, three-fourths of whom are earning an honest living—producers and not consumers; respectable and useful members of society. At the close of the service the young men formed an organization and elected officers of the 'Alumni Association of the Ohio Reform Farm School for Boys.' Saved themselves, they are anxious to save others and to honor the state that provided for their reformation a good home and not a gloomy prison—a golden opportunity to acquire a moral, industrial and intellectual education, developing a true and noble manhood.

"During the evening session the young men gave their personal experience and history since they entered the outside world. Several of them, with emphasis, clearness and deep feeling, told the story of their trials and difficulties, conflicts and triumph, replete with instructive warning and encouragement to the impressive and attentive audience of boys whose seats they once occupied. This was good seed sown in good ground, and fruit will be gathered in days to come. Next year the association will meet again, and the attendance will be much larger."

c. GIRLS' INDUSTRIAL HOME.

This is a new institution, but it holds out promise of excellent fruit in the coming years. Young as it is, however, it has already felt heavily the "rod of affliction." In February, and therefore in mid-winter of the year covered by the report under review, nearly the entire establishment fell a prey to the devouring flames. But though their buildings were gone, heart and hope and courage were left; new buildings are already well advanced; and by the autumn, when the next annual report is to be issued, the institution will well-nigh have recovered from the shock it has received. Dr. Nichols, the superintendent, has had a heavy burden to carry, but he has borne up nobly under it. The prophet Jeremiah declared it

“good for a man that he bear the yoke in his youth;” Dr. N. may find that saying verified in the case of an *institution*, as it has so often proved true in the case of a *man*. He thus speaks of the state of things prior to and since the fire :

Previous to the catastrophe that prostrated our plans and confused our arrangements so suddenly, our progress was more satisfactory than at any previous period in our history. Order, quiet and contentment were apparent to the casual observer, as well as to the more careful inspector, and the future of the institution seemed assured ; but the sudden and radical changes made imperative by the fire were not favorable to the progress of the girls—in some respects quite the contrary. No one without like experience can appreciate the difficulties under which we were called to labor, or sympathize in our discouragements. Progress seemed out of the question ; to hold our own we hardly dared to hope ; to fall back was disheartening. As soon as our overcrowded buildings could be relieved by increased accommodations, the former order, as far as practicable, was resumed, and with more satisfactory results, though with many embarrassments.

As our principal school-room was destroyed, our accommodations were necessarily restricted to the primary room, which, though crowded to its utmost capacity, was wholly inadequate, so that a large portion of the girls were, for the time, deprived of school privileges. Without unnecessary delay, the new school-room was pressed to completion, and the schools reorganized and once more opened to all. They are now in successful operation, and the progress of the pupils in their studies is very satisfactory.

As a large portion of the bedding and summer clothing was consumed or injured by the fire, the making and repairing to supply our wants in these departments, and to provide a necessary supply for winter use, have furnished pretty constant employment for those skilled in the use of the needle. Several of the girls are making progress in dress-making, and in successfully using the sewing-machine. On the whole, the result in this and the other departments of domestic work is quite satisfactory. One feature is worthy of special notice—the cheerfulness and alacrity with which the girls usually perform their domestic and other industrial duties. Those who have gone from us to work out, each for herself, the problem of life, have generally carried the same spirit into their new homes, promising well for their usefulness and well-being in securing for themselves an independent support.

18. *Pennsylvania.*

a. PHILADELPHIA HOUSE OF REFUGE (WHITE DEPARTMENT).

This is the third reformatory establishment in the United States, having been opened in 1828, and preceded only by the New York house of refuge three years, and the Boston house of reformation one year. It has long been under the able and judicious management of Mr. Jesse K. McKeever, as superintendent.

The inmates here are engaged during seven hours of the day in labor, and the industries pursued are quite numerous. On this point Mr. McKeever says :

The larger boys are employed in the manufacture of shoes (women and children's wear), the manufacture of brushes, and the making of staples, rivets, etc. The smaller boys are employed in the manufacture of match-boxes and brushes.

The great change that has taken place in the manufacture of shoes by separating it into various branches, has afforded our boys the opportunity of learning a business which they can pursue after leaving here, and so of earning a liberal competence for themselves. Many of those who have left us are employed in the different shoe manufactories of the city.

The boys have been very industrious, doing their work cheerfully and well. The acquirement of habits of industry is an essential part of the education of our youth, accomplishing much for their future well being.

Three hours daily are given to study, in reference to which Mr. McK. remarks :

Our eight male and two female schools, all under the care and instruction of competent female teachers, are in a very prosperous condition. The general behavior of the pupils is excellent, and their improvement in the different branches studied is of a highly commendable character.

Additional experience still further confirms us in the belief that the change from male to female teachers is a beneficial one, as shown in the general discipline of the schools and the advancement of the pupils in scholastic knowledge.

The addition of several hundred interesting and instructive volumes to our libraries has afforded our children much pleasure. Quite a taste for reading has been developed, and the books are of such a character as tends to improve them intellectually and morally.

On the classification of the inmates Mr. McKeever makes this statement :

The separation of the inmates, boys and girls, into four divisions, upon the basis of age and character, has been proved to be far preferable to having them, as was formerly the case, in two divisions. This is shown conclusively in the shops, school-rooms and yards, by the better behavior and greater improvement of the children of the different divisions.

To a great extent the corrupting influence of the bad over the relatively good is destroyed, and the officer of a division has a much better opportunity of becoming thoroughly acquainted with the dispositions, habits and propensities of those under his care, enabling him to use appropriate moral, religious and intellectual remedies for their improvement.

Of the agencies for securing personal cleanliness and their effects, Mr. McK. says :

Two bathing-pools of suitable dimensions have been made for the use of the C and D divisions. Our bathing arrangements are now complete, as we have a pool for each division.

During the warm weather the boys bathe in these pools daily, which not only keeps their bodies clean, but affords them a great deal of pleasure. In the colder season, they wash their bodies thoroughly in these pools once a week, the water being brought to the proper temperature by the introduction of steam. Keeping the body clean is an effective agent in preserving health, and this is one of the causes to which we attribute our almost entire exemption from disease.

b. PHILADELPHIA HOUSE OF REFUGE (COLORED DEPARTMENT).

This department of the refuge was opened in 1850. Of it the superintendent, Mr. J. H. Laverty, says :

Work in the shops has continued during the year, almost without interruption. Our system of labor, while it aims at supplanting indolence by habits of industry, never loses sight of the kind of labor most suitable to the physical development of the operative; and, hence, most of our inmates go back to society with healthy bodies and industrious hands, to contribute to the general wealth, and not to become dependent on charity, or, worse still, criminals to be supported in state prisons or penitentiaries.

The teachers of the day schools, with commendable zeal and efficiency, labor assiduously for the development of the mental faculties of the inmates. This department is an important one. The problem of elevating the millions of colored persons in our country is yet an unsolved one. If they are ever to ascend to a higher plane of intelligence, this can only be done by the elevator, education. The great change in our national polity has made them not only free, but citizens as well.

The religious services of Sunday are conducted by the same warm-hearted, Christian men I have had the pleasure to report for several years past. Thus our inmates in their threefold nature, physical, intellectual and religious, are cared for. These three natures need food—each needs its own special food, else the whole man becomes a thing of disproportions.

C. PENNSYLVANIA REFORM SCHOOL.

This is the western house of refuge under a new name, given to it by the legislature a year or two ago. It is soon going to change its place and character, as well as its title, for it is to be removed from Allegheny City, where it is cooped up within very restricted premises enclosed by massive stone walls, to a large and splendid farm on Chartiers Creek, near Canonsburgh, in Washington county, where its inmates will have broad acres to cultivate; and the plan upon which it is thenceforth to be managed will be that known as the family in contradistinction to the congregate system.

The report of the superintendent, Rev. R. N. Avery, is comprehensive as well as able and interesting. I would be glad to cite largely from it, but can make room for only two extracts, one relating to discipline, the other to the change of locality. On the first of these topics Mr. A. says:

In the male department, without degenerating into military rigor, strict discipline is maintained. We demand implicit obedience, and we always obtain it. Corporal punishment, although not entirely abandoned, is seldom inflicted, and only in cases of serious transgression. Seclusion from others, deprivation of play and privilege, and loss of standing in the institution, are the usual penalties. That strict discipline does not interfere with the happiness of the children, is evident from the cheerfulness which characterizes our whole family. We try to impress upon all that order is to be loved for its own sake, rather than be maintained by fear; and the cheerful obedience and gentle tone which everywhere prevail, show that a nobler and more efficient power than that of the uplifted hand and the threatened rod rules the minds and influences the hearts of those under our charge.

On the second he remarks :

The removal of the institution to the Morganza farm, in Washington county, is looked for with great interest. Without doubt it will be an auspicious event in the history of the reform school. The change will secure advantages which are sought for in vain in crowded congregate institutions, however well conducted they may be. The further the education of reasonable human beings is removed from the artificial, and the nearer it approaches nature, the more it will reach its object and benefit society. "Community is an aggregate of families, not of barrack-like establishments ;" and children trained in such establishments, when returned to society, will always more or less experience the evil effects of having been isolated from the community of which they are members.

A brief visit to this institution last winter confirmed and deepened the impression of its excellence, made by a longer visit several years ago. Mr. Avery was trained to this work under the late Rev. Mr. Wells, the first superintendent of the Boston house of reformation ; and, as a disciplinarian, he is a worthy pupil of that excellent and eminent man.

19. *Rhode Island.*

The Providence reform school still pursues the "even tenor of its way" under its long-time and efficient superintendent, Mr. James M. Talcott, although, from the report of the board of trustees, dated April, 1874, it appears that his resignation has been accepted to take effect in July of the current year. He will be a great loss. The board pay the following merited compliment to the ability and fidelity of their retiring superintendent :

Under the management of Mr. Talcott, the school has attained a position second to that of no other reform school in the country ; indeed, the trustees feel confident that no other school can be compared with it in respect to neatness, order, good discipline and high success in the object for which the institution is maintained—that of the reformation of those committed to its care.

20. *Vermont.*

No report has been received from the state reform school of Vermont, as the reports of that institution are printed only biennially, and consequently none has been issued covering the year 1873. Statistics have been forwarded by Mr. Fairbank, superintendent ; and these will appear in the tables.

21. *Wisconsin.*

The report of Mr. Hendrickson, superintendent of the Wisconsin industrial school for boys, is an exhaustive, able, and exceedingly instructive document. But the account given to the Congress by

Judge Gibbs of the institution, and printed on page 116 of this volume, renders unnecessary extended citation therefrom. The remarks, however, of Mr. Hendrickson on the antecedent "social and domestic relations" of his boys are so timely, so just, and so widely applicable to the whole class to which those boys belong, that we cannot forbear transferring them to these pages :

The contemplation of the social condition of our boys is not calculated to produce pleasant emotions—I mean their social condition previous to their connection with this institution. Many kind-hearted and sympathetic people, in visiting our school, are painfully affected at the sight of so many boys "away from home, separated from parents, and confined in charge of overseers." This, it must be conceded, is not the happiest surrounding for the young. It is evident that no other condition is so favorable to the healthy growth of the social and moral faculties of the young as home. This is certainly true, when home is what home should be. When wisdom and love combine in the parental government, obedience and respect will characterize the children, and home will become the most heavenly place on earth. But when these characteristics are wanting and their opposites prevail, the place becomes a pandemonium—it is profane to call it *home*. Yet such has been the social surroundings from which many—I sometimes think a majority—of our boys have come to take up their abode with us in this home, which the state of Wisconsin has provided for her wayward sons.

Of the 362 inmates of the year, 45 are orphans and 191 are half-orphans. The parents of 18 others are separated; 58 have either a stepfather or stepmother. Of the number who have one or more living parent, at least one in five is intemperate. In the light of these facts, let but the casual observer look back of the present, and he will not fail to see that the adequate cause which should excite his commiseration lies not in the fact that the boy is now in a reformatory, but in his former forlorn condition. Nearly all have grown up without parental care and control.

They have been exposed to corrupt associations and surrounded by bad examples, with few elevating influences; they have lost self-respect, become lawless, and fallen into crime. Many come to us loving indolence, vice, filth and vulgarity, and hating study, work, cleanliness and virtue. And still, notwithstanding their ignorance and degradation, the majority of them have good native abilities. Many are possessed of a sharp, ready wit, with keen perceptive faculties, and when once access is gained to their better nature, manifest a readiness to strive for a better life, that is truly encouraging.

To every reflecting mind these facts present their own comments and carry their own convictions. From no other standpoint can the work to be done in this institution be viewed to better advantage. We are here shown whence came the material from which the man and the citizen is to be moulded. If we are asked, "can an evil tree bring forth good fruit?" our reply is, the fruit of trees may sometimes be improved by cultivation. Pruning, budding, and grafting are means to accomplish this end. Very like these are the means to be employed to produce honest and worthy men from children whose parentage has been such as the above facts indicate.

22. *District of Columbia.*

Four years ago a reform school was opened in the District of Columbia, which, despite many difficulties and struggles, has already accomplished no small amount of good, but promises much better

results in the future. The Hon. Nathan Sargent is president of the board of trustees, from whose report to the attorney-general of the United States the following passages are taken, as showing something of the history, condition, and prospects of this infant reformatory :

The institution has had to contend against untoward circumstances from the beginning. First, inadequate means ; second, an unfortunate location in a sickly region ; third, delay in selecting a new location under the act of May 15, 1872, whereby many months have been lost in getting the school into the new buildings. And now, by this delay, financial embarrassments have fallen upon us.

The experiment of a juvenile reformatory was a novelty here. It owed its origin to the philanthropic efforts of a few men better informed in regard to the success of such institutions in Europe and some of our states than the community generally, and they found it all but impossible to enlist a general interest in the enterprise, although our streets were infested with that class of boys for whose reformation the school is intended.

The most notable feature of the family or Mettray system is, that *kindness* takes the place of *force*. Bolts and bars are discarded, the boys are not locked up at night. They are well fed, clothed, lodged, and cared for, and they soon begin to appreciate these blessings after their entrance into the school ; to some, and, indeed, the larger portion of them, their food, clothing, and especially their beds, are such as they never saw among those with whom they had lived, and had no conception of.

" But how can you prevent your boys from running away ?" asks one who has been accustomed to the old lock and bolt and whipping system. We answer, by taking from them the desire to leave the school. Make boys happy, and they will be contented ; treat them kindly and affectionately—show them that you are interested in their welfare, and are endeavoring to promote it ; if there is any good in them—and there are few indeed entirely destitute of it—they will soon become attached, and will have no desire to leave.

Labor is a powerful agency in a reformatory, especially on the farm. Man improves the earth, and is improved by the earth ; therefore the boys in our school are so divided as to work half the day on the farm, except in winter and in foul weather, and spend the other half in the school-room, where they attend to suitable studies. But they have their hours of play also, and their minds are thus kept too much occupied for them to think of mischief, and they have no inducement to do so. But before and above all, a religious sentiment, which all pains are taken to infuse into them, is the surest basis of permanent reformation. No sectarianism is taught ; no creed rehearsed ; reverence for God, love for our Saviour, and a belief in a future state of rewards and punishments, are infused into the minds of the boys as religious sentiments. The Bible is read, pure and simple, and portions of it committed to memory every week, and repeated at the Sunday school. Clergymen and laymen of every denomination sometimes address the boys on Sunday, but no sectarianism is allowed in such addresses.

For want of room for work-shops, we have been able, until quite recently, to employ but few boys in mechanical work. There are now about thirty, mostly very small boys, employed in cane-bottoming chairs, and ten in the tailor's shop, making clothes for the inmates. We shall soon introduce other mechanical industries on which the boys will be employed during the winter. It is the intent of the board to have as many different kinds of mechanical business taught and carried on as possible. It is our desire that every boy who leaves the institution shall be prepared to perform useful and skilled labor, and thus to feel and be self-reliant, and become a useful member of society.

TABULAR VIEW OF REFORMATORY STATISTICS.

STATE.	Title.	Location.	Superintendent.	Chaplain.	Estimated value of real estate.	Estimated value of personal property.	Number of acres.	When opened.	Whole number of inmates since opening.		
									Boys.	Girls.	Total.
California.....	City and County Industrial School.....	San Francisco.....	David C. Woods.....	City clergy officiate.....	\$125,000	\$25,000	130	1859	1,214	243	1,457
Connecticut.....	State Reform School.....	West Meriden.....	Sheldon N. Rockwell..	Clergy of vicinity officiate.	150,000	2,000	200	1854	2,132	.....	2,132
Connecticut.....	Indst. School for Girls.....	Middletown.....	Sheldon N. Rockwell..	Clergy of Middletown offi- ciate.	89,000	14,510	47	1870	200	160	360
Illinois.....	State Reform School.....	Pontiac.....	John D. Scouller.....	Clergy of Pontiac officiate.	.....	.....	278	1871	200	.....	200
Indiana.....	House of Refuge.....	Plainfield.....	Frank B. Alnsworth....	Clergy of vicinity and superintendent officiate....	135,000	10,000	225	1863	458	.....	458
Indiana.....	Reformatory Institution (for women and girls).....	Indianapolis.....	Sarah J. Smith.....	Y. M. C. Association.....	150,000	7,000	12	1873	.....	44	44
Iowa.....	State Reform School.....	Eldora & Salem.....	Joseph McCarty.....	Rev. J. McCarty.....	40,668	.....	440	1868	255	17	272
Kentucky.....	House of Refuge.....	Louisville.....	F. Caldwell.....	City clergy officiate.....	130,000	18,000	67	1865	651	28	679
Louisiana.....	House of Refuge.....	New Orleans.....	Wm. J. Starks.....	Catholic and Protestant clergy officiate.....	80,000	5,000	2	1847	2,236	.....	2,236
Maine.....	State Reform School.....	Portland.....	E. Wentworth.....	Rev. A. P. Hillman.....	100,000	.....	160	1852	1,394	.....	1,394
Maryland.....	House of Refuge.....	Baltimore.....	Wm. R. Lincoln.....	City ministers officiate....	265,500	19,428	48	1855	2,154	288	2,442
Maryland.....	House of Reformation.....	Rosaryville.....	John W. Horn.....	Ministers of vicinity officiate	79,000	.....	750	1873	72	.....	72
Massachusetts.....	Boston House of Refor- mation.....	Deer Island.....	John C. Whiton.....	Rev. J. W. Dadmum.....	.....	.....	183	1827	.....	.....	.....
Massachusetts.....	State Industrial School for Girls.....	Lancaster.....	Rev. Marcus Ames.....	Rev. M. Ames.....	73,750	18,686	185	1856	.....	836	836
Massachusetts.....	State Reform School.....	Westboro.....	Allan G. Shepherd.....	Clergy of vicinity officiate..	107,512	60,984	263	1847	4,681	.....	4,681
Michigan.....	State Reform School.....	Lansing.....	Charles Johnson.....	Resident clergy officiate....	197,850	.....	226	1857	1,397	8	1,405
Missouri.....	House of Refuge.....	St. Louis.....	J. D. Shaffer.....	Children attend church in city.....	105,000	8,000	20	1854	.....	.....	.....
New Hampshire.....	State Reform School.....	Manchester.....	Edward Ingham.....	City ministers officiate.....	60,000	10,000	110	1858	652	103	755
New Jersey.....	State Reform School.....	Jamesburgh.....	James D. Eastman.....	Clergy of vicinity officiate..	80,000	20,500	490	1866	414	.....	414
New Jersey.....	State Industrial School for girls.....	Trenton.....	Harriet F. Perry.....	Mrs. Perry generally offi- ciate.....	35,000	5,000	80	1871	12,725	34	12,759
New York.....	House of Refuge.....	Randall's Island.....	Israel C. Jones.....	Rev. George H. Smythe.....	500,000	80,000	37	1855	12,725	2,545	15,270
New York.....	Juvenile Asylum.....	New York.....	Elisha M. Carpenter....	Elisha M. Carpenter.....	500,000	5,000	20	1851	14,163	2,872	17,035

New York.....	Catholic Protectory.....	Westchester.....	Brother Tallow.....	Rev. J. S. Collins.....	594,191	125,000	135	1863	6,491	1,430	7,920
New York.....	West'n House of Refuge.....	Rochester.....	Levi S. Fulton.....	Rev. S. V. van Ingen.....	330,000	30,000	42	1849	3,892	.....	3,892
Ohio.....	Girls' Industrial Home.....	Lewis Centre.....	John Nichols, M.D.....	Clergy of vicinity officiate..	32,165	.....	189	1869	.....	195	195
Ohio.....	House of Refuge.....	Cincinnati.....	Henry A. Monfort.....	City clergy and superin- tendent officiate.....	800,000	45,000	9	1851	2,717	567	3,284
Ohio.....	Reform Farm School.....	Lancaster.....	George E. Howe.....	Rev. George W. Haldeman	190,000	.....	1,170	1898	1,864	.....	1,864
Pennsylvania.....	House of Refuge (white department).....	Philadelphia.....	Jesse K. McKeever.....	City clergy officiate.....	380,000	.....	4	1828	7,104	2,349	9,453
Pennsylvania.....	House of Refuge (col- ored department).....	Philadelphia.....	James H. Lavery.....	City clergy officiate.....	201,339	5,780	2	1850	1,503	721	2,224
Pennsylvania.....	Penna. Reform School.....	Allegheny.....	Rev. R. N. Avery.....	Rev. R. N. Avery.....	380,000	30,000	12	1854	1,989	764	2,753
Rhode Island.....	Providence Reform School.....	Providence.....	James M. Talcott.....	City clergy and superin- tendent officiate.....	200,000	17,000	4	1854	1,685	447	2,142
Vermont.....	State Reform School.....	Waterbury.....	Wm. G. Fairbank.....	Clergy of vicinity officiate..	50,000	3,000	133	1868	375	.....	375
Wisconsin.....	Indust. School for Boys.....	Waukesha.....	Rev. A. D. Hendrickson	Rev. A. D. Hendrickson...	120,000	10,500	233	1869	983	73	1,046
Dist. of Columbia.....	Reform School.....	Washington.....	Freeman W. Howe.....	Y. M. C. Association.....	125,000	4,000	150	1870	248	.....	248
Totals and general averages.....					6,645,943	549,390	6,153	.....	77,678	13,724	91,402

TABULAR VIEW OF REFORMATORY STATISTICS—Continued.

STATE.	Title.	Number received in 1873.			Average number during the year.			Division of time.				No. of officers of employes.	Aggregate annual salaries.	Total current expenses for 1873, including salaries.	Cost per capita.	Average number engaged in labor from which revenue is received.	Aggregate earnings of inmates.	Earnings per capita on whole number.
		Boys.	Girls.	Total.	Boys.	Girls.	Total.	Labor.	Study.	Meals and recreation.	Sleep.							
California	City and County Industrial School	133	29	162	386	76	456	4	4	6	10	24	\$19,320	\$50,652	\$111	80	\$12,500	80
Connecticut	State Reform School	150	...	150	316	...	316	64	4	4	9	15	13,086	47,941	151	275	1,443	151
Illinois	Industrial School for Girls .....	...	44	44	...	75	75	5	4	6	9	10	4,800	15,624	208	15	...	19
Indiana	State Reform School	151	...	151	175	...	175	7	3	3	10	20	10,035	25,000	142	...	...	...
...	House of Refuge	78	...	78	200	...	200	7	4	3	9	21	12,000	40,000	200	...	...	...
...	Reformatory Institution (for women and girls)	44	44	88	...	44	44	6	6	3	9	5	2,424	...	...	...	...	...
Iowa	State Reform School	72	8	80	117	9	126	...	...	...	...	17	6,320	21,000	137	...	...	...
Kentucky	House of Refuge	81	28	109	141	20	161	6	4	4	10	17	7,508	20,592	189	70	6,000	18
Louisiana	House of Refuge	160	...	160	109	...	109	64	4	3	10	14	5,520	14,500	133	35	6,770	62
Maine	State Reform School	46	...	46	134	...	134	5	4	5	9	20	7,500	22,931	171	...	2,900	27
Maryland	House of Refuge	118	...	118	286	...	286	0	5	4	...	9	8,289	38,868	135	168	5,061	57
Massachusetts	House of Reformation	72	...	72	...	60	60	...	...	...	...	...	...	16,694	277	...	9,234	32
Massachusetts	Boston House of Reformation	214	18	232	268	33	301	...	...	...	...	13	6,200	48,542	168	...	...	...
Massachusetts	State Industrial School for Girls	110	20	130	...	121	121	64	4	4	9	19	33,298	94,787	170	...	500	4
Michigan	State Reform School	101	...	101	211	...	211	6	5	3	10	40	17,092	56,961	199	215	11,396	39
Missouri	House of Refuge	43	4	47	75	17	92	6	5	3	9	23	9,560	21,343	232	...	9,389	42
New Hampshire	State Reform School	145	...	145	153	...	153	5	3	5	9	16	6,153	18,834	186	79	3,172	35
New Jersey	State Industrial School for girls	496	84	580	476	79	555	7	4	4	9	8	4,410	22,360	146	...	3,620	24
New York	New York House of Refuge	488	93	581	525	92	617	6	5	3	10	59	21,400	94,888	104	...	33,506	63
New York	Juvenile Asylum	203	203	1,079	1,289	390	1,679	6	4	4	9	51	7,650	215,028	131	400	20,000	13
New York	Catholic Protector	210	...	210	382	...	382	5	3	6	10	36	20,000	65,929	171	300	16,815	44
Ohio	Western House of Refuge	17	...	17	...	131	131	5	5	4	10	19	6,294	17,772	136	...	...	...
Ohio	Girls' Industrial Home	177	29	206	161	46	207	7	3	5	9	20	11,149	34,415	163	120	6,278	30
Ohio	Reform Farm School	196	...	196	430	...	430	5	5	6	8	36	14,000	50,969	118	...	5,266	13
Pennsylvania	House of Refuge (white department)	197	56	253	359	86	445	7	3	5	8	32	16,615	74,257	166	...	26,194	63

Pennsylvania	House of Refuge (colored department)	44	37	61	91	35	126	7	3½	4½	9	12	5,491	18,549	147	85	4,183	31
Pennsylvania	Pennsylvania Reform School	98	30	128	199	65	264	6½	4	4½	9	26	15,500	40,848	154	183	4,605	17
Rhode Island	Providence Reform School	82	10	92	167	33	202	6½	4	4½	9	18	8,120	41,153	153	128	12,102	58
Vermont	State Reform School	50	....	50	127	....	127	6½	4½	4½	9	13	5,353	14,104	111	73	5,343	42
Wisconsin	Industrial School for Boys	84	....	84	271	....	271	4½	4	6	10	34	12,153	38,484	142	....	....	....
Dist. of Columbia	Reform School	48	....	48	103	....	103	4½	4½	5	10	11	5,820	12,416	121	....	....	....
Totals and averages..	.....	4,704	766	5,506	7,443	1,481	8,924	6	4½	4½	9½	727	\$336,834	\$1,338,885	\$152	\$2,865	\$184,878	\$37

* Includes Western agency.

TABULAR VIEW OF REFORMATORY STATISTICS—Continued.

STATE.	Title.	Limits of age within which admissible.	AVERAGE AGE WHEN RECEIVED.		Terms of sentences.	AVERAGE STAY IN THE INSTITUTION.		PERCENTAGE OF												
			Boys.	Girls.		Boys.	Girls.	Foreign born.	Foreign percentage.	Orphans by loss of both parents.	Orphans by loss of one parent.	Wholly or virtually illiterate.	Those having intimate parents.	Those having step-fathers or step-mothers.	Those whose parents had been in prison.	Those having illegitimate parents.	Those who had separated.			
California.....	Industrial School.....	-18	Y. M.	Y. M.	Minority.....	Y. M.	Y. M.	0	4	12	50	6	42	33	48	90	11	90	11	
Connecticut.....	State Reform School.....	8-17	12 6	11 9	Minority or specific term.....	1 6	0 4	0	1	19	34	12	42	55	21	20	53	2	53	2
Connecticut.....	Girls' Industrial School.....	8-15	14 4	12 3	Minority, chiefly.....	0 3	0 3	0	3	14	23	31	32	22	14	89	6	89	6	
Illinois.....	State Reform School.....	10-16	14 4	12 3	One to five years.....	0 0	0 0	0	2	4	29	33	57	63	57	15	57	57	57	
Indiana.....	House of Refuge.....	6-16	12 3	12 3	Minority.....	0 0	0 0	0	2	4	29	33	57	63	57	15	57	57	57	
Indiana.....	House of Refuge.....	6-16	12 3	12 3	Minority.....	0 0	0 0	0	2	4	29	33	57	63	57	15	57	57	57	
Indiana.....	Reformatory for Girls.....	8-15	14 5	13 9	Minority.....	1 6	2 4	2	4	5	32	13	38	27	40	19	8	19	8	
Iowa.....	State Reform School.....	6-18	14 5	13 9	One to two years and at option of parent.....	1 6	2 4	2	4	5	32	13	38	27	40	19	8	19	8	
Kentucky.....	House of Refuge.....	7-16	11 13	11 13	Minority.....	1 6	2 4	2	4	5	32	13	38	27	40	19	8	19	8	
Louisiana.....	House of Refuge.....	7-18	12	12	Minority.....	1 6	2 4	2	4	5	32	13	38	27	40	19	8	19	8	
Maine.....	State Reform School.....	8-16	13	13	Minority.....	2 6	1 1	2	9	4	6	26	27	45	18	31	9	47	12	
Maryland.....	House of Refuge (white).....	9-16	13 6	13 6	Minority.....	2 6	1 1	2	9	4	6	26	27	45	18	31	9	47	12	
Maryland.....	House of Reformation (colored).....	-20	14 3	14 3	Minority.....	2 4	0 0	1	3	15	7	43	59	39	23	7	7	7	7	
Massachusetts.....	House of Reformation.....	6-16	12 1	14 11	Minority.....	1 6	2 6	1	1	0	0	17	42	84	58	23	23	23	23	
Massachusetts.....	State Industrial for Girls.....	7-16	12 1	14 11	Minority and specific term.....	1 6	2 6	1	1	0	0	17	42	84	58	23	23	23	23	
Massachusetts.....	State Reform School.....	7-17	15 1	13 2	Minority.....	2 2	0 0	1	1	10	40	5	50	55	75	35	35	35	35	
Michigan.....	State Reform School.....	10-16	13 2	13 2	Minority.....	2 7	0 0	0	9	67	0	29	49	9	29	49	9	29	7	
Missouri.....	House of Refuge.....	-17	13	14	Minority.....	2	0	0	0	16	56	8	48	81	68	68	68	68	68	
New Hampshire.....	State Reform School.....	7-16	13	14	Minority and specific term.....	2	0	0	5	9	72	6	40	60	43	13	25	25	25	
New Jersey.....	State Industrial School for Girls.....	8-16	13 6	14 9	Minority.....	2	0	0	0	4	67	83	26	83	83	83	83	83	83	
New York.....	State Reform School.....	8-16	13 6	14 9	Minority.....	2	0	0	0	4	67	83	26	83	83	83	83	83	83	
New York.....	New York House of Refuge.....	16	14 9	14 9	Minority.....	1 2	1 2	0	4	13	44	6	39	38	12	8	3	87	1	
New York.....	Juvenile Asylum.....	7-14	11 6	12	Minority.....	1 2	1 2	0	4	13	44	6	39	38	12	8	3	87	1	
New York.....	Catholic Protectory.....	7-14	11	11	Minority.....	1 2	1 2	0	4	13	44	6	39	38	12	8	3	87	1	
New York.....	Western House of Refuge.....	7-16	13	13	Minority.....	2	2	1	2	6	72	6	34	37	23	13	13	13	9	
Ohio.....	Girls' Industrial Home.....	7-16	12 9	12 9	Minority.....	2	2	1	2	6	72	6	34	37	23	13	13	13	9	
Ohio.....	Cincinnati House of Refuge.....	6-18	12	13 6	Minority.....	1 3	1 3	1	1	1	41	53	77	33	24	20	0	74	8	
Ohio.....	Reform Farm School.....	-16	12	13 6	Minority.....	1 3	1 3	1	1	1	41	53	77	33	24	20	0	74	8	
Pennsylvania.....	House of Refuge (white).....	-20	14	14 9	Minority.....	2	1	0	1	16	60	11	39	19	19	19	19	19	19	

	6-20	14 2	13 3	Minority.	1 9 1 ^d	2 2 1	1 11 1 ^d	37	21	70
Pennsylvania.... House of Refuge (colored).....	6-20	1 1	1 3	Minority.....	2 2 1	1	9	12	47	28
" " " " Pennsylvania Reform School	-18	13 2	14 6	Minority or specific term.....	2 1	0 1	0	13	44	47
Rhode Island... Providence Reform School	-18	13 2	14 6	Minority.....	2 1	0 1	0	11	91	77
" " " " State Reform School.....	-16	12 8	..	Minority.....	2 1	..	1	28	28	0
Vermont..... Industrial School for Boys.....	10-16	..	..	Minority.....	2 6	..	1	2	24	8
Wisconsin..... Wisconsin.....	-16	..	..	Minority.....	1 10	0 0	4	0	39	27
Dist. of Columbia Reform School.....	..	..	..	Minority.....	1 10	..	..	..	52	83
Totals and general averages.....	..	..	..	..	1 11	3 4 ^d	1	2	10	55
	..	..	..	..	..	..	..	12	42	45
	..	..	..	..	..	..	..	34	16	11
	..	..	..	..	..	..	..	52	7	..

TABULAR VIEW OF REFORMATORY STATISTICS—Continued.

STATE.	Title.	PERCENTAGE										Disciplinary punishments employed.	Disposal of inmates.
		Of those who had been homeless.	Of those who had used tobacco.	Irregular at Church and School.	Of those who had used intoxicating drinks.	Of those who had frequented theatres.	Of those who had been addicted to profligacy.	Of vagrants.	Of trunks.	Of those who had been previously arrested.			
California	Industrial School	10	18	50	33	53	88	27	79	38	Solitary, ratan	Nine-tenths sent home to friends, one-tenth placed with farmers.	
Connecticut	State Reform School	12	38		10			17	46	28	Solitary, short rations, whipping for serious offenses.	One-third sent home, 1 placed in families.	
Illinois	Girls' Industrial School										Solitary, lowering of grades, corporal punishment in rare cases.	Discharged on expiration of sentence, places provided sometimes, no control after discharge, boys can go where they choose.	
	State Reform School										Bread and water, loss of recreation, standing up.	Indentured, placed with farmers, returned to parents or guardians.	
Indiana	House of Refuge	40	71	9	69						Solitary, deprivation of privileges.		
Indiana	Reformatory for Girls										Bread & water, sol. in light room		
Iowa	State Reform School	28	32		47		9	22			Demerits, loss of play, etc.	Ret'd to parents, indentured to farmers	
Kentucky	House of Refuge	8	34	47	6	31	47	12	6		Tattooing a mark, whipping, loss of play, doing scavenger duty.	One-half placed with planters, 1 ret'd to parents or fr'ds, 1 placed at service.	
Louisiana	House of Refuge	4	63	85	17	43	80	7	52	50	Bread and water, solitary, loss of play, whipping.	Greater part sent out on probation and if conduct is good afterward discharged, some discharged absolutely as reformed, a few indentured.	
Maine	State Reform School										Solitary, bread and water, loss of privilege, whipping by order of Ex. Com., sending supporters to bed.	Indentured, discharged on ticket-of-leave, returned to parents or friends	
Maryland	House of Refuge (white)		87	76	26	76	92	8	81	38	Solitary, flogging.	Released on probation by order of directors, disch'd on expiration of sentence, returned to families at service.	
Maryland	House of Reformation (col'd)										Demerits, loss of privilege seclusion as a last resort.	Indentured to friends.	
Massachusetts	House of Reformation							36	41		Solitary, short rations, whipping as a last resort.	Indentured to various occupations, released on probation to parents & fr'ds.	
Massachusetts	State Industrial for Girls			100	20					35			
Massachusetts	State Reform School	49	90	24						74			

	Michigan	Missouri	New Hampshire	New Jersey	New York	New York	New York	New York	New York	Ohio	Ohio	Ohio	Pennsylvania	Pennsylvania	Pennsylvania	Rhode Island	Vermont	Wisconsin	Dist. of Columbia	Totals and general averages
State Reform School	41	14	90	40	36	42	31	75	70	38	37	37	37	37	37	37	37	37	37	37
House of Refuge	26	100	15	90	19	36	42	75	70	38	37	37	37	37	37	37	37	37	37	37
State Indust. School for Girls	32	8	90	40	36	42	31	75	70	38	37	37	37	37	37	37	37	37	37	37
State Reform School	32	8	90	40	36	42	31	75	70	38	37	37	37	37	37	37	37	37	37	37
House of Refuge	14	62	2	39	77	14	41	70	70	38	37	37	37	37	37	37	37	37	37	37
Juvenile Asylum	14	62	2	39	77	14	41	70	70	38	37	37	37	37	37	37	37	37	37	37
Catholic Protectory																				
Western House of Refuge	59	6	100	24	36	42	31	75	70	38	37	37	37	37	37	37	37	37	37	37
Girls' Industrial Home	37	90	21	29	66	14	37	38	37	38	37	37	37	37	37	37	37	37	37	37
House of Refuge																				
Reform Farm School																				
House of Refuge (white)																				
House of Refuge (colored)	14	42	90	11	33	90	6	75	25	25	25	25	25	25	25	25	25	25	25	25
Pennsylvania Reform School	25	45	8	75	70	25	70	42	42	42	42	42	42	42	42	42	42	42	42	42
Providence Reform School	6	46	94	30	22	78	32	0	20	20	20	20	20	20	20	20	20	20	20	20
State Reform School																				
Industrial School for Boys																				
Reform School	73	27	100	15	39	54	15	39	54	15	39	54	15	39	54	15	39	54	15	39
Totals and general averages	9	35	75	13	53	76	15	39	54	15	39	54	15	39	54	15	39	54	15	39

Homes provided for 1, returned to parents or friends 2.

One-fifth provided with homes, 1-5 returned to friends.

Placed in Christian families.

Four-fifths returned to parents, 1-5 indentured to farmers.

One-half indentured, 1 discharged.

Four-fifths returned to parents and friends, 1-5 sent to western agency.

Two-thirds sent back to friends, 1 indentured, 1 12 discharged at their own request after having learned a trade.

Three-fifths returned to parents, 1-5 placed with farmers, 1-5 with artisans—about.

Newly all placed in homes before or at majority.

Returned to care of friends, indentured to farmers or mechanics.

Provided with homes or sent back to friends.

Returned to friends and indentured, about half each.

One-quarter returned to friends, 2 indentured.

Homes provided for about 1, the remainder returned to friends.

One-half returned to friends, 2 placed out at trades, 1-8 discharged by expiration of sen., remainder variously.

Furlough and discharge.

Chiefly returned to friends on ticket-of-leave, some sent to places in same way.

Four-fifths dismissed to care of parents or friends, homes are secured for the rest.

TABULAR VIEW OF REFORMATORY STATISTICS—Continued.

STATE.	Title.	Emp.oyment of Inmates.	Branches taught.	No. of vols. in library.	Moral and religious agencies employed.	Per centage considered reformed.
California	Industrial School.....	Shoemaking, tailoring, farming, laundry and house-work.....	Common school branches and band music.....	500	Preaching and Sunday School.....	.....
Connecticut	State Reform School	Chair-seating, farming, tailoring, domestic work.....	Com. branches, grammar, botany, nat. philosophy.....	1,500	Daily prayers, preaching, S. S. Sunday School.....	70
Connecticut	Girls' Industrial School.....	Manufacture of paper boxes, sewing, house-keeping.....	Common branches, history.....	500	Daily devotions, preaching, Sunday School.....	.....
Illinois.....	State Reform School.....	Brush and shoemaking, cane-seating, domestic work.....	Common branches.....	50	Daily devotions, preaching on Sunday.....	.....
Indiana.....	House of Refuge.....	Farming, gardening, fruit cult., cane-seating, tailoring, domestic work.....	Common school branches.....	400	Daily prayers, preaching, S. S., prayer meeting.....	80
Indiana.....	Reformatory for Girls.....	Washing, sewing, house-work, chair-seating.....	Same as in public schools.....	.....	Daily prayers, scriptural instruction, prayer meetings.....	.....
Iowa	State Reform School	Farming, gardening, tailoring, chair-seating, baking, smithery, carpentering, shoemaking, and broom-making.....	Common school branches.....	200	Daily devotions, preaching, S. S., sacred songs.....	75
Kentucky	House of Refuge.....	Shoemaking, willow work, tailoring, gard'g, floriculture, sewing, house wk., tin-work, baking, domestic work.....	Common English branches, Common Eng. branches, music.....	250	Daily prayers, religious services (Cath. and Prot.).....	33
Louisiana	House of Refuge.....	Shoemaking, cooperage, toy-making, tin-work, baking, domestic work.....	Same as in public schools.....	200	Daily family prayer, preach'g, Sunday School.....	.....
Maine	State Reform School.....	Brick & shoe'g, chair-seating, farm'g, gard'g, sew'g, knitting, house-work.....	Common school branches, history, algebra, nat. philosophy, physiology, music (vocal and instrumental).....	1,600	Daily prayers, preaching Sunday S., weekly prayer meeting, constant moral training.....	.....
Maryland	House of Refuge (white)	Chair-seating, farming, domestic wk., covering denim, tailoring, manufacture of shoes, baskets, whips and brooms.....	Common school branches, Common & higher English.....	1,230	Preaching, S. S., moral training.....	.....
Maryland.....	House of Reformation (col'd).....	Farming and domestic work.....	Common school branches.....	677	Bible study, home instruction, good books, preaching, Sunday School, family worship.....	70
Massachusetts.....	House of Reformation.....	Farming.....	Common school branches.....	1,200	.....	.....
Massachusetts.....	State Industrial for Girls.....	House-work, knitting, hand and machine sewing.....	Common school branches.....	.....	.....	.....

Massachusetts.....	State Reform School.....	Shoemaking, cane-sewing, tailoring, attending steam boilers, farming gardening (including vine and hot-house culture), laundry work.....	Common school branches, { phy. sci. and vocal music..... } Common school branches.....	2,402	{ Preaching, S. S., daily prayers, occasional lectures and other instructive entertainments..... } Preaching, Sunday School, daily prayers.....	60
Michigan.....	State Reform School.....	Chair-sewing, cigar-making, farming, tailoring, etc.....		1,600		70
Missouri.....	House of Refuge.....	Baking, cane-sewing chairs, miscellane- ous wk., sewing, laundry, house-wk.....	Common English branches.....	300	Preaching, S. S., family prayer	70
New Hampshire..	State Reform School.....	Chair-sewing, farm and house work.....	Common English branches.....	110	Daily prayers, religious ser- vices, Sunday School.....	
New Jersey.....	State Indust. School for Girls	Sewing, knitting, house work.....	Common branches.....		{ Preaching, Sunday School, daily devotions..... } Daily devotions.....	
New Jersey.....	State Reform School.....	Cane-sewing, shoemaking, sewing, farming, domestic work.....	Same as public schools.....		{ Daily devotions, preaching, S. S., Bible lessons..... } Chapel services, Sun. School, daily worship.....	75
New York.....	House of Refuge.....	Domestic wk., shoes, wire, hood-skirts, tailoring, laundry, gardening.....	Common English branches.....	4,152	Religious instruction for a half hour daily, and usual Sunday services.....	90
New York.....	Juvenile Asylum.....	Sewing, tailoring, shoemaking, gar- dening, general house work.....	All the common branches in all its branches, with in- strum. music & drawing.....	2,000		
New York.....	Catholic Profectory.....	Printing, stereotyping, shoem'g, tailor- ing, smithery, carpenter'g, chair-seat- ing, farm'g, card'g, sew'g, laundry.....	All the branches taught in best common schools.....	1,500	Sunday School, Bible class, Chapel services.....	
New York.....	Western House of Refuge.....	Shoemaking, tailoring, chair-sewing, farming, gardening, domestic work.....	Common English branches, nat. philosophy, algebra.....	600	Daily devotions, chapel ser- vices, Sunday School.....	70
Ohio.....	Girls' Industrial Home.....	Sewing, domestic labor.....	Common English branches.....	500	Daily devotions, chapel ser- vices, Sunday School.....	90
Ohio.....	House of Refuge.....	Shoemaking, tailoring, gardening, floriculture, baking, sewing, house-work.....	All the common English branches.....	650	Prayers twice daily, preach- ing, Sunday School.....	80
Ohio.....	Reform Farm School.....	Agriculture, horticulture, fruit-grow- ing, mechanical labor in winter.....	The usual common school branches.....	2,000	Daily devotions, church ser- vices, S. S., prayer meeting.....	75
Pennsylvania.....	House of Refuge (white).....	Brush-making, shoemaking, box-mak- ing, blacksmithing.....	Common branches.....	1,500	Family prayer, preaching, S. S. exercises on Sunday, S. S.....	75
Pennsylvania.....	House of Refuge (colored).....	Whip, broom and shoemaking, knit- ting, sewing, do. work & composition.....	Common branches, with grammar, history.....	1,896	Daily prayers, chapel services, Bible lessons, etc.....	90
Pennsylvania.....	Pennsylvania Reform School.....	Cane-sewing, gardening, general house-work.....	Same as in public schools.....	2,000	Daily devotions, church, Sun- day school.....	70
Rhode Island.....	Providence Reform School.....	Farming, shoemaking, cane-sewing, sewing, house-work.....	Common school branches, geometry.....	407	{ Daily prayers, church services, Sunday School..... } Daily devotions, S. S., church services, prayer meetings.....	75
Vermont.....	State Reform School.....	Shoemaking, cane-sewing, broom-mak- ing, tailoring, knitting, laundry and house-work.....	Common branches, algebra, U. S. history.....	880		
Wisconsin.....	Industrial School for Boys.....	Farming, gardening, cane-sewing, tailoring, laundry and gen. house-wk.....	Common school branches.....	250		
Dist. of Columbia.	Reform School.....			32,714		
Totals and general averages.....						

GENERAL REMARKS.

1. On an inspection of the foregoing tabular view, it is an obvious remark that there is no little want of uniformity in making out the statistics in the different institutions. True, there are certain items of information embodied in all ; but there are other items, of scarcely less interest, which are omitted from the greater part. In particular, most of the reports are deficient in statistics relating to the moral habits of the inmates previous to their commitment, and also to those of their parents ; points on which it is essential to have full and trustworthy information, if we would trace their fall to its true causes, and be able to apply the proper remedy. Still, if we turn back to the reformatory statistics published five or six years ago, it is manifest that there has been, since then, a very considerable advance in the direction of both fulness and uniformity.

2. The next most salient point brought out in these statistics is the breadth and magnitude of this reformatory work. - Let us glance at a few of the particulars. Twenty states, one territory, and thirty-four institutions are embraced in this statistical exhibit. The aggregate amount of land belonging to these thirty-four institutions is 6,153 acres, giving to each an average farm of 181 acres, though the extremes reach to 1,170 acres in one direction, and down to two acres in the other. The total estimated value of the buildings and lands appropriated to the work (adding \$415,372 for the two whose cost is not given and thus making their cost equal to the average of the others) is \$7,060,315. The aggregate value of the personal property of twenty-five of these reformatories is \$549,390 ; making a *pro rata* addition for the personal property of the other nine, from which there are no returns on this point, we have a total for this species of property of \$763,365. This gives a grand total for the entire property—real and personal—of the thirty-four institutions, of \$7,824,680, equal to an average for each of \$230,138. The average number of inmates for 1873 was 8,924, of whom 7,443 were boys, and 1,481 were girls ; and the aggregate number set down in the tables as received into all since their opening was 91,402, of whom 77,678 were boys, and 13,724 girls. The whole number of persons engaged in this work (adding 44 for the two institutions from which

there are no returns of employés) is 771 ; and the total annual cost of the maintenance of these reformatories, including administration as well as keep, is \$1,358,885, or \$152 for each inmate.

3. The next thing which strikes us, on a survey of these statistics, is the hopeful and cheering character of this reformatory work. The ninety odd thousands of children who have felt the beneficent action of these institutions—at least the great majority of them—have been, as the figures show, rescued from careers of idleness, vagrancy, and precocious vice, and subjected, for an average of two years at least, to the elevating and refining influences of industry, education, and religion. And with what results? Three-fourths of them—that is, nearly 70,000—are reported as permanently reformed, and as leading upright and respectable lives. It may be safely assumed that, but for the curative influence of these quiet and humble but busy and hard-working reformatories, four out of every five of these boys and girls would have gone to swell the torrent of criminality that is sweeping over the land, whereas now they give breadth and volume to the stream of honest toil that is subduing the wilderness, and making it bud and blossom as the rose. No figures of arithmetic or figures of rhetoric can adequately set forth the good which has been accomplished through this instrumentality. There can be no wiser economy than the expenditure that has been made to this end ; no cheaper defense of life and property, of the public peace and order, than that which has been devised, and so nobly carried into effect, by the friends and promoters of juvenile reform. Yet, after all, what are material benefits, when placed in the scale against the higher interest of humanity ; and what the cost incurred in securing these benefits, when weighed against the duty resting on society to multiply the agencies for moral advancement and the means of checking and, if possible, preventing the increase of ignorance, pauperism, brutality, and crime ?

4. There is another aspect of the case, presented in this tabular statement, which possesses a sad and harrowing interest ; I refer to the condition and surroundings of these children previous to their commitment. These have been well and forcibly set forth by Mr. Hendrickson, of the Wisconsin reform school, in an extract from his report cited in these pages ; yet less eloquently, and with far less power, than in the mute figures embodied in the tables given above. More than one-half of them are orphans by the loss of one or both parents, and more than a moiety of the rest worse than orphans by the intemperance, irreligion and criminality of their

parents ; nearly one-half are wholly or virtually illiterate ; the major part are living in idleness, either vagrants or truants ; three-fourths of them are neglecters of church and Sunday school, and more than three-fourths addicted to profanity ; more than a half are frequenters of theatres, and more than a third already habitual chewers or smokers of tobacco ; a moiety have been arrested more than once ; a large proportion are homeless, or otherwise out of the normal family relation, not simply by orphanage, but by having step-parents, or parents who had separated or were in prison ; and almost all are the children of neglect, of ignorance, of poverty, of misery, of the street and the dock ; in a word, of evil surroundings and evil influences whose name is legion, and their power well nigh omnipotent. What a catalogue of exposures, temptations, and perils ! How few and faint the chances of victory in such a battle ! How almost certain the issue of disaster, defeat, and ruin ! Numbers of these homeless, outcast, beleaguered children come to the reformatories with the impression burnt into their souls, " Nobody cares for me ! " No language is more common from their lips, on their reception, than such expressions as these : " *I have no friends ; I never had any.*" A task of greatest difficulty it often is to correct this impression, which, so long as it lasts, is fatal to all progress. The effect is said to be sometimes wonderful, when the conviction is brought home to one of these children, " There is one that loves me and cares for my welfare." It is the first violet of spring, whose beauty and fragrance are at once a prophecy and a promise of the bloom and the fruitage of summer and autumn.

All of which is respectfully submitted :

E. C. WINES,

Secretary.

STATE OF PENITENTIARY REFORM IN EUROPE AND THE EAST.

1. PRESENT STATE OF PENITENTIARY LEGISLATION IN EUROPE.

By M. EMILE YVERNES, Chief of the Bureau of Statistics and of Criminal Registers in the Ministry of Justice of France.

The following essay is a translation of the fourth chapter of a larger work on "Relapses and the Penitentiary Régime," prepared by direction of the International Statistical Congress, and handed to the Secretary of the American Prison Association at the meeting of the permanent International Penitentiary Commission, at Brussels, June 25-27, 1874.

GREAT BRITAIN.—The penitentiary régime of Great Britain is determined partly by law and partly by administrative regulations relating to the prisons. It consists of the cellular régime, and the associated régime, with strict obligation of silence among the prisoners, and various kinds of labor.

Convicts sentenced to penal servitude undergo their punishment in the convict prisons of the government; convicts sentenced to imprisonment, with or without hard labor, in the county or borough prison, according to the place where the offense was committed.

The punishment of penal servitude may be for life, or for terms varying from five to twenty years. The law does not allow a sentence of less than five years. The punishment of imprisonment in county prisons rarely exceeds two years. Its duration varies, according to the nature of the offense, from a few days to two years.

The system of provisional liberation (ticket of license) has existed in England since 1853, and in Ireland since 1857.

DENMARK.—The punishments here are: Death, hard labor, imprisonment, and, in the case of children under eighteen years, corporal inflictions.

Hard labor (travaux forcés).—Two categories are distinguished which are determined, not by the nature of the offense, but by the personality of the prisoners and the duration of the punishment. One of these categories consists of young criminals and those less depraved, whether recidivists or not. The sentences of this category are from eight months to six years. They may be exceptionally increased in

certain cases. The ordinary régime is the cell, according to the Philadelphia system; yet those who cannot bear isolation labor in association. All the prisoners are separated at night. The difference between hard labor in association and hard labor in isolation is so regulated that a sentence of eight months in association is reduced one-fourth in isolation. For three years, the reduction is one-third, and beyond three years, one-half; but no prisoner can remain in isolation more than three and a half years.

The other category of hard labor is applied to all criminals sentenced to a punishment of more than six years, and to those who, though sentenced for a shorter term, are reputed well nigh incorrigible. As a matter of course, the more hardened recidivists are included in this category. The duration of the punishment in this category is from two years to life. Ordinarily the prisoners have each their cell at night; but they pass the day in common workshops, with a very small number, however, in each. Complete isolation is inflicted only as a disciplinary punishment; still it is permitted to the prisoner to undergo the commencement of his punishment in separation, if he prefers it to labor in association.

There are in Denmark four great establishments of hard labor: one at Copenhagen for women; one on the Philadelphia plan in Seeland for men, and two in Jutland. The régime of these establishments is regulated by ordinances, and upon the principle that the prisoner may better his condition by good conduct and diligence in labor, agreeably to a prescribed gradation. It is thus that he passes, with progressive ameliorations in all respects, through four different classes, with duration as follows: Minimum of first class, three months; of second class, six months; of third class, one year. For the execution of the punishment of hard labor in association there is established a similar gradation, but a little more complicated.

Imprisonment.—This punishment is undergone in a house of detention, but under a régime that varies according to its duration. When the punishment does not exceed thirty days, the prisoner is fed on bread and water, except on certain days determined by law. When it continues for six months, the prisoner receives the rations prescribed by the regulation; in short, when it extends to two years, the prisoner is permitted to purchase for himself better food than that ordinarily furnished by the prison.

NORWAY.—Besides certain special penalties affixed to military offenses, the Norwegian law has established as punishments: (a)

arrest (*l'arrestation*); (b) imprisonment; (c) hard labor (*travaux forcés*).

The duration of simple imprisonment varies from thirty-two to two hundred and forty days. It is permitted to the prisoner to procure for himself better fare than that imposed by the regulation. He has the right to undergo his punishment in separation, if circumstances will permit it. Nothing hinders him from occupying the same cell with another prisoner, if the latter consents to such an arrangement.

Imprisonment has two degrees: 1, with the ordinary prison fare (from sixteen to a hundred and twenty days); 2, on bread and water (from four to thirty days), with the ordinary fare at intervals of five days. Imprisonment is always cellular. Labor is not obligatory, but is always permitted, if the prisoner desire it.

Hard labor is either temporary (from six to fifteen years), or for life. Labor is obligatory. The convicts may not obtain any mitigation of the régime of the establishment. Fetters are imposed only when the exigencies of safe custody and supervision require it; and such cases are very rare. Among the establishments designed for prisoners sentenced to hard labor, that of Christiana alone is completely cellular. In the others, whenever it is possible, a cell is given to the convict at the commencement and termination of his detention. With this exception, isolation is accorded only to such prisoners as ask for it.

It is in the district prisons, to the number of fifty-six, that simple imprisonment is undergone. For the punishment of hard labor, there are reserved the following establishments: (a) the penitentiary prison of Christiana, built on the Philadelphia plan; (b) the fortresses of Christiana, of Bergue, and of Throndhjem; (c) four other establishments called *houses of correction*, and situated in the cities of Christiana, Christeansand, Bergue, and Throndhjem.

Into the penitentiary prison of Christiana are transferred men aged from eighteen to thirty years, sentenced to hard labor, from six months to six years, by the district tribunals of the environs of Christiana. Criminals of a more advanced age and sentenced to the same punishment may obtain an authorization to undergo their punishment in the same prison. For all the criminals confined in this establishment, the duration of the punishment is shortened one-third, with the reservation that it shall never be less than four months nor more than four years.

The other convicts are placed in the fortresses. Thither also are

sent the criminals sentenced to more than three years, when they have previously suffered a similar punishment, and likewise those who have been re-convicted (whatever the duration of their punishment), after having been already punished in these same establishments.

The houses of correction are set apart for females convicted of crimes, and for men sentenced to any punishment other than those which have been indicated above.

SWEDEN.—The penitentiary régime consists in the privation of liberty, whether in the form of simple imprisonment, or of reclusion with hard labor. All punishments, whose duration does not exceed two years, must be undergone in separation in the departmental prisons, to the number of thirty-eight, and containing 2,352 cells. The punishment of hard labor for a term exceeding two years must be undergone in the central prisons: the first part, one-sixth of the time (six months at least and twelve months at most), is passed in isolation, and the remainder in association.

RUSSIA.—The penitentiary régime is regulated by law. An imperial commission, composed of functionaries of different ministries, has been charged with the duty of elaborating a complete re-organization of the existing penitentiary system.

According to the code now in force, the following punishments are imposed: 1. Death. 2. Transportation with hard labor (for life or from four to twenty years). 3. Transportation to Siberia. 4. Transportation beyond the Caucasus. The above punishments involve the entire loss of all rights (civil death). 5. Reclusion in a prison (*maison de force*), which takes the place of transportation to Siberia for persons who, prior to the abolition of corporal punishments, were not exempted from such inflictions. The duration of the reclusion varies from two months at least to two years at most, and involves the loss of all civil and political rights (arts. 30 and 43 of the Code, edition of 1866). 6. Detention in a fortress, with loss of certain rights, from four months to four years (arts. 34 and 50); without loss of rights, from four weeks to four years. 7. Detention in a house of correction, with loss of certain rights (art. 36), from eight months to two years; without loss of rights, from two to eight months. 8. Detention in a prison, from two to four months. 9. Simple detention from one day to three months.

AUSTRIA.—As regards the penitentiary system, the penal law of Austria is remarkably simple. It divides punishments for crimes

into principal and accessory. Of the former there are only two—the death penalty and imprisonment. But the law makes a broad difference between this last and the punishment which deprives of liberty for delicts (misdemeanors) and contraventions (violations of police or municipal regulations), which are never designated but by the word arrest (*arrêt*).

Imprisonment is for life or for a time. On this point the Austrian law declares that, “since the various circumstances which aggravate or extenuate a crime do not permit the legislature to define, in the statute, the exact measure of the penalty for each individual case, a minimum and maximum only are fixed, within the limits of which the duration of the punishment must be proportioned to the gravity of the offense.”

In respect to the execution of punishment of privative of liberty, article 405 of the organic law relating to criminal procedure, of the 23d May, 1873, enacts that persons sentenced to more than a year for crime must undergo their punishment in prisons thereto appointed by special prescription (independent penitentiary establishments, *selbständigen strafanstalten*), and that other punishments must be carried into effect near the tribunal of repression which pronounced judgment in the first instance, in houses of detention (*gefängnisse*). As regards punishments for contraventions, they must be undergone in district houses of arrest.

Over and above the principal punishments, there are, as above stated, accessory punishments; or, as the Austrian law names them, aggravations of the principal punishments. These are, for the prison: (a) privation of food; (b) a hard bed; (c) isolation; (d) isolation in a dark cell; (e) banishment after the expiration of the sentence.

For delicts and contraventions there are, as principal punishments, besides arrest, loss of effects, the forfeiture of rights or powers, expulsion from a locality, and wholly or in part from the territories of the crown.

Arrest, which likewise involves two degrees, of which the shortest duration is twenty-four hours and the longest six months, may be aggravated by the first four of the above accessory punishments applicable to crimes (a, b, c, d). Arrest of the first degree may be converted into a proportionate pecuniary penalty, or replaced by arrest at home (*arrêt à domicile*, *hausarrest*), when the guilty party has a reputation free from reproach.

In the penitentiary establishments, recidivists are treated with no greater severity than persons sentenced for the first time, excepting

those who, within a term of ten years, have been re-convicted of a crime inspired by cupidity. (Decree of the Minister of Justice of the 2d December, 1872.)

The obligation of labor is always attached to the punishment of imprisonment. Since the law of the 15th November, 1867, which suppressed fetters (*peine des chaînes*), the only difference between the simple and the aggravated prison consists in the fact that the tribunals, in sentencing to this last punishment, must pronounce, instead of chains, the addition of one or several of the accessory punishments, or aggravations, legally admissible.

The rules relating to the independent penitentiary establishments and the houses of detention of the tribunals are of an administrative nature. They are, as a matter of course, without force, except within the limits of the frame or scope of the penitentiary system, and there exists on this subject but one law, that of the 1st April, 1872, which regulates the execution of punishment in isolation. But, as it is necessary to begin by devoting to its execution certain penitentiary establishments, it has, so far, received its application only in the penitentiaries at Graetz, Stein, and Karthaus.

The system of provisional liberation has not been yet introduced into Austria ; but, to prepare for it, pardons are periodically accorded to such convicts as are no longer considered dangerous to society, and in regard to whom good hopes of their reformation are entertained.

There are in Austria eighteen penitentiary establishments, properly so called ; twelve for men, and six for women. Each of these establishments, except the male prisons of Karthaus and Suben, has a territorial circumscription assigned to it. Nearly all the penitentiaries are organized on the principle of associated imprisonment. The convicts are classified in groups of six to thirty, day and night, and are allowed to converse together, except when at work. The age, degree of education, character, antecedents of the convicts, and crime committed, are considered in the arrangement of these groups.

Among the cellular prisons, that of Karlau, near Graetz, can accommodate 252 prisoners ; that of Stein, 334, and that of Karthaus, 63.

In virtue of the law of the 1st April, 1872, the convicts are held in constant isolation, except that they are associated for divine service, for instruction in the school, and for exercise in the open air ; but even here they are not permitted to enter at all into communication with each other. After the cellular convict has passed three months

in solitude, every period of two days passed in the cell are counted to him as three days of the punishment imposed in his sentence. The maximum duration of cellular detention is three years. This kind of imprisonment does not take place, or ceases, if its commencement or continuance seems dangerous by reason of the bodily infirmities of the convict, or because of other inconveniences to his physical or moral health, against which it is needful to provide.

Besides domestic occupations, the convicts are employed in industrial labors within or without the prison, and in this latter case, only those who have shown themselves most worthy of trust, and who consent to the arrangement.

The convicts have a task assigned them to perform. To encourage their application, there exists what is called *surgain*, that is to say, overstent, or a recompense for what they do beyond their task. The prisoner is allowed to use one-half of his *surgain* in procuring additional comforts in prison; the other half, augmented by interest, is given him on his liberation, so that he may be able to procure a subsistence till he shall have found an honest way of gaining his living.

Local supervision over the penitentiary establishments belongs to the public ministry. The execution of punishment in the cellular prisons is watched over by special commissions. Supervision over the houses of detention, of courts of justice, and district tribunals, appertains to the president of the superior provincial tribunal. The supreme direction of all the penitentiary establishments is confided to the minister of justice.

HUNGARY.—The prisons of Hungary are placed, by the law of 1871, under the surveillance of the royal attorneys.

By a ministerial ordinance of 1869, it was decided that persons sentenced to more than a year's imprisonment should be confined in penitentiaries (there are counted six of these establishments), and that those sentenced to an imprisonment of a year or less should serve out their sentence in the minor prisons (of which there are 106). Besides these, there is near the domicile of every judge (the number of these is 375 in Hungary) a prison for the detention of prisoners awaiting trial, and of persons convicted of contraventions.

The prisoners in the penitentiaries are divided into three categories; the first consisting of prisoners less than 24 years of age; the second, of those who have passed that age; and the third, recidivists. But the director of the prison may, with the consent of the chaplain, establish two other classes composed, the one of convicts who have

given proof of amendment, the other of those possessed of a superior education.

Each convict, on his entrance into the penitentiary, must be placed in a cell for a period ranging from one to six weeks, and must remain there without work. It is not permitted him to speak to any one, and he is specially watched over. Recidivists are treated with greater rigor than the other convicts. They are employed on the dirtiest and most disagreeable labors, and for six months are denied every favor.

Labor is obligatory for all, and is performed in association ; but a rigid separation of the categories is maintained. It is the director who determines the kind of work to be done. One of the penitentiaries is reserved for women, and another for men sentenced to more than ten years.

The ministerial ordinance, addressed to the royal attorneys, concerning the administration of the prisons of the tribunals of first instance, contains also a set of administrative regulations ; but these regulations are, so to speak, only transitional, and afford glimpses of a coming reform of the entire penitentiary régime.

SWITZERLAND.—The penitentiary régime being closely related to penal law, it is clear that in Switzerland there can exist no general regulation in relation to this matter : all depends upon the cantons. The greater part of these recognize three kinds of imprisonment : reclusion, detention in a house of correction, and simple imprisonment. Reclusion is perpetual or temporary. At Zurich, the maximum of temporary reclusion is fifteen years ; at Berne and Baleville, it is twenty years ; at Schaffouse, it is twenty-four years ; at the Grisons, twenty-five years ; at Fribourg and Vaud, thirty years, and so on. This punishment is pronounced only for crimes, and is always accompanied by the forfeiture of civil and political rights. A regulation of the service fixes the ration and dress of the convicts, who may be employed at all sorts of labors. Imprisonment in a house of correction does not of itself imply deprivation of civil and political rights ; the judgment must make express mention of it ; but, for the rest, the correctional is treated in the same manner as the reclusionary, and is held to the same labors. As to simple imprisonment, it never draws after it any legal incapacity. The person under sentence is simply incarcerated. It is in his option to work or remain inactive. He has the right to maintain himself at his own cost and as seems good to him, and he is not bound to wear a prison uniform.

PRUSSIA.—The execution of penalties is regulated by first) of the German Penal Code.

Reclusion is perpetual or temporary (from one to fifteen years). The convicts are held to the labors established in the prison (*maison de force*). They may also be employed in labors outside of the establishment, but only on condition of being separated from free laborers.

Imprisonment (from a day to five years) is undergone in special houses. The convicts may be employed in the prison on labors adapted to their powers; they must be, if they demand it.

Detention is perpetual or temporary (from a day to fifteen years). It is undergone in fortresses, or in places specially appropriated thereto. The occupations and manner of living are under surveillance.

The duration of arrest (privation of liberty) varies from a day to six weeks.

In virtue of article 22, sentences to reclusion and to imprisonment may, in whole or in part, be undergone in cellular separation; but, beyond three years, the consent of the prisoner is required. Persons sentenced to reclusion, or to an imprisonment of long duration, may obtain their provisional liberation when they have undergone three-fourths, or at least a year, of their punishment, and have been well conducted during that time. Provisional liberation may be revoked for the misconduct of the liberated prisoner, or for an infraction of the obligations imposed upon him. In this case the time of liberty is not added to the punishment. The decrees relating to this measure (the license or its revocation) are in the jurisdiction of the higher administration of justice. The decree of provisional liberation issues only after information previously received from the director of the prison.

There are no legislative regulations relating to the penitentiary establishments; these depend upon the administration. The regulation of Nov. 4th, 1835, concerning the prison of Rawitz has been, by divers ministerial ordinances, completed and applied to all the other penitentiary establishments of Prussia.

BAVARIA.—Besides the provisions of the German penal code, there are found in the Bavarian law of the 26th Dec., 1871, certain regulations relative to the penitentiary régime, which serve as an introduction to that code.

Imprisonment for more than three months is undergone in special

establishments, and, under reserve of article 30, in district prisons. (Art. 28.)

The localities in which the punishment of detention in a fortress must be executed, are determined by a royal ordinance. (Art. 29.)

The execution of punishment in isolation, prescribed by the 57th article of the German penal code, takes place in special establishments, when the prisoner is young and he has more than a month's sentence. As regards the punishment of detention for a month and less in a fortress, or of arrest pronounced against young persons, it is undergone in separate quarters. (Art. 30.)

All punishments involving loss of liberty, which are not required to be undergone in reclusion prisons, or concerning which there is no provision in the preceding articles, must be executed in police prisons.

Persons sentenced to the punishment of reclusion are only placed in cellular separation if, considering their previous life, they afford but a feeble hope of subsequent reformation ; or if they give ground to fear a corrupting influence upon others from their example or their conversation ; or, in short, if they are specially liable to be led into excesses.

The internal régime of houses of reclusion is regulated by the royal ordinance of the 12th June, 1862 : separation of the prisoners according to their sex and age ; isolation obligatory for six months ; optional beyond that time ; contingent, however, on the consent of the convict and the advice of the physician.

A royal ordinance of the same date fixes the internal régime of the other penitentiary establishments : To isolate as much as possible young prisoners and those who have been convicted of slight infractions, which were caused by ignorance or some sudden temptation.

Finally, for persons sentenced to imprisonment from two months to five years, there exist cellular prisons, whose régime is regulated by the law of the 10th November, 1871.

SAXONY.—The punishments of reclusion (*zuchthaus*), of detention in a fortress (*festungshaft*), and of imprisonment (*gefängnisse*)—this last when it exceeds four months—are undergone in special penitentiary establishments. The punishment of imprisonment for four months and less, of arrest (*haft*) are undergone in prisons appertaining to tribunals of first instance.

WÜRTEMBERG.—Punishments, in Würtemberg, are undergone :

1. For men : (a) The punishment of reclusion for a term exceeding

five years in the prison (*maison de force*) of Stuttgart ; (b) the same punishment under five years, in the prison (*maison de force*) of Ludwigburg ; (c) the punishment of reclusion and of imprisonment beyond four weeks, in the case of young convicts not previously convicted, in the cellular prison at Heilbronn ; (d) the punishment of imprisonment for more than four weeks, in the two provincial prisons of Hall and Rottenburg ; (e) the punishment of deprivation of liberty beyond four weeks, for young persons under eighteen years, in the establishment for young criminals at Hall ; (f) the punishment of deprivation of liberty under four weeks, and of arrest, in the 64 district prisons. 2. For women, in the special penitentiary establishment of Gotteszell, which is subdivided into three sections ; reclusion, prison, and quarter for young prisoners.

The system of cellular isolation is applied only in the cellular prison of Heilbronn, and there with association at church, at school, and at promenade. Elsewhere, the detention is undergone in association.

MECKENBURG-SCHWERIN.—The establishments in which are undergone the different punishments are : 1. For reclusion in a *maison de force*, the prison of Dreibergen, near Butzow. 2. For simple imprisonment, special penitentiary establishments organized to this end. 3. For detention in a fortress, the citadel of the city of Dömitz. Finally, 4. For simple detention, the prisons of the tribunals which pronounced the sentence.

The penitentiary régime is regulated by laws and special instructions for the first three categories ; for the punishment of simple detention, there exist only a few general rules.

In the convict prison (*maison de force*) of Dreibergen, the system of complete isolation has been adopted, accompanied by compulsory labor in the cells, but modified from considerations having relation to the health of the prisoner, the length of his sentence, and his good conduct. A single one of these three circumstances suffices to cut short the isolation, and send the prisoner to labor in the common workshops.

GRAND-DUCHY OF BADEN.—In the Grand-Duchy of Baden the cellular system had been established before the introduction of the penal code of Germany.

The law of the 23d Dec., 1871, provided that the punishment of the convict prison (*maison de force*) be undergone, during the first three years, in the cell, and that this principle be also applied to

persons sentenced to simple imprisonment as far as the localities permit. In all cases, the first year at least of the imprisonment must be passed in separation.

The sovereign ordinance (having the force of law) of the same date regulates the application of these principles. Among other things it ordains:

Men sentenced to the convict prison are confined in the *zuchtthaus* (*maison de force*) of Bruchsal; men sentenced to simple imprisonment for more than six weeks, are confined in the central prisons of Mannheim and of Bruchsal; women sentenced to the convict prison, or to simple imprisonment for more than six weeks, are confined in the female punishment house (*weiberstrafanstalt*) at Bruchsal; the punishment of imprisonment not exceeding six weeks, is undergone in the bailiwick prisons (*amtsgefängnisse*) attached to the bailiwick justices; the punishment of detention or arrest (*haft*) is undergone in these same prisons, and that of detention in a fortress, in the citadel of Rastatt.

In the *maison de force* of Bruchsal, and in the other central prisons, isolation is absolute during the first three years. After that time the convict may (from year to year or once for all) elect the continuance of isolation. Convicts no longer subjected to isolation are separated during the night, and are occupied through the day in associated labor. The prisoners in isolation receive four visits a day. In the bailiwick prisons, those under sentence and those awaiting trial are separated. They may be admitted to an association of short duration, in the court of the prison.

Prisoners confined in a fortress enjoy certain liberties and other privileges.

Convicts in the *maison de force* are held to a labor determined by the administration; this labor is from six A. M. (five in summer) to half-past seven P. M., except the interruptions for exercise, school, and meals. The convict must accomplish a fixed daily task.

The regulations are the same for persons sentenced to imprisonment in the central prisons, with the difference that the administration gives the choice of labor to the prisoner.

The prisoners in the bailiwick prisons may be held to an occupation, or may demand one suited to their powers.

Prisoners sentenced to detention or arrest (*haft*) are not obliged to work; they may occupy themselves as they like.

NETHERLANDS.—The law of arrest (*l'arrêté-loi*) of the 11th Dec., 1813, was the first to introduce changes into the penitentiary régime,

by abolishing the bagnio (*le bagné ou travaux forcés*) and life punishment. Hard labor for life (*le bagné*) has been replaced by reclusion, from five to twenty years; hard labor for a term, by reclusion from five to fifteen years; and reclusion for life in central prisons, by a reclusion from five to ten years.

Besides the reclusion prisons, there are thirteen houses of arrest and safe custody, twenty-three houses of arrest, and 125 police prisons and dépôts. Three houses of safe custody and of arrest—those of Amsterdam, Rotterdam, and Utrecht—are entirely cellular.

Since the law of the 28th June, 1851, cellular imprisonment is optional (*arbitrio judicis*) for persons sentenced to a correctional punishment of a year or less, with a reduction to six months, if undergone in cellular separation. The law of the 29th June, 1854, has enlarged the operation of the preceding law, by making cellular imprisonment optional for those who are sentenced to two years in association (one year in the cell). The law of the 24th of July, 1871, extends cellular imprisonment to two years (four years in association). A bill (*projet de loi*), just submitted to the lower house, proposes to extend imprisonment to three years in the cell for six years in association.

BELGIUM.—The penalties sanctioned by the Belgian laws are: death, hard labor, detention, reclusion, and imprisonment (art. 7, Penal Code).

Hard labor is for life or a time (from ten to fifteen years or from fifteen to twenty years). This punishment is undergone in convict prisons (*maisons de force*). Reclusion is from five to ten years, and is undergone in reclusion prisons (arts. 12 to 14).

Each convict is employed on the labor assigned him. A portion of the product of his labor forms a reserved fund, which is given him on his discharge, or at fixed periods after his discharge. This portion cannot exceed four-tenths for prisoners sentenced to reclusion, and three-tenths for those sentenced to hard labor (*travaux forcés*). The surplus belongs to the state. The government may dispose of a moiety of this reserved fund for the comfort of the convict during his imprisonment, or for the benefit of his family when it finds itself in want (art. 15).

Detention is perpetual or temporary. Temporary detention is ordinary (from five to fifteen years), or extraordinary (from fifteen to twenty years). The convicts are confined in one of the fortresses of the kingdom or in a house of reclusion or correction, designated by a royal decree (arts. 16 and 17).

Correctional imprisonment varies from eight days to five years, and is undergone in houses of correction. The convicts are employed in labors established or authorized in the house, unless relieved from this obligation by the government. The portion of the product of his labor set apart to the convict cannot exceed five-tenths.

FRANCE.—The penitentiary régime is regulated by the penal code, the laws of the 8th June, 1850, the decretory law (*décret-loi*) of the 8th Dec., 1851, the law of the 30th May, 1854, the decree of the 29th August, 1855, and numerous ministerial circulars. The following are the penalties enacted by the penal code. Criminal penalties: death, hard labor for life, deportation, hard labor for a term (five to twenty years), detention (five to twenty years), reclusion (five to ten years). Correctional penalty: imprisonment (six days to ten years).

The punishment of hard labor, whether perpetual or temporary, is undergone in establishments created on the territory of French possessions other than Algiers (Cayenne and New Caledonia). The convicts are employed in the most painful labors of colonization and on all other labors of public utility. They may be chained two and two or required to drag an iron ball as a disciplinary punishment, or as a measure of security. Women *may* be taken into these establishments, where they are employed in labors suited to their sex and age; but it is the exception. Women sentenced to hard labor generally undergo their punishment in the central prisons. For men who have reached the age of sixty, the punishment of hard labor is transformed into that of reclusion. Convicts sentenced to less than eight years of hard labor are under obligation to remain in the colony after the expiration of their punishment, during a period equal to the length of their sentence. If the punishment is eight years at least, the residence is perpetual.

The punishment of deportation consists in being transported and in residing for life in a place determined by law, without the continental territory of the Republic. A person sentenced to deportation who reënters that territory becomes liable to hard labor for life.

Detention is undergone in one of the fortresses situated on the continental territory of the Republic.

Every individual, of either sex, sentenced to the punishment of reclusion, is confined in a central prison, where he is employed in labors the products of which may be, in part, applied to his benefit.

There are counted at present sixteen central prisons (three agricultural) for men, and seven for women.

Whoever is sentenced to simple imprisonment is confined in a house of correction, where he is employed on one of the industries established in that prison, according to his own choice. The product of the prisoner's labor is applied, partly to the ordinary expenses of the prison, partly to procure for himself some mitigations if he deserve them, and partly to form for his use, at the time of his discharge, a reserved fund.

Imprisonment for more than a year is undergone in a *maison de force*, since a royal ordinance of the 6th June, 1830. For the reclusionaries, as for correctionals sentenced to more than a year of imprisonment, there exist in the convict and correctional prisons (*maisons de force et de correction*), commonly called *central prisons*, reformation wards (*quartiers d'amendement*), into which are gathered those prisoners, whose continued good conduct affords ground for the hope that they will return to a virtuous life.

To the above mentioned punishments, which may be inflicted by the military and maritime tribunals, must be added that of public works, a punishment which is undergone in the military penitentiaries.

Finally, prisoners under sixteen years of age may be sent to houses of correctional education, in virtue of the penal code (arts. 66 and 67), which has reproduced the provisions of a law of the 25th September, 1791. They remain in these establishments until the age of twenty years, and are there employed, ordinarily, in agricultural labors.

These establishments are either public (five for boys and two for girls) or private (twenty-three for boys and fifteen for girls). They are governed by a law of the 5th August, 1850, on the education and patronage of young prisoners, since completed by numerous administrative instructions.

PORTUGAL.—The punishments established by the Portuguese law are: imprisonment and transportation into the colonies of Africa. The punishment of imprisonment is regulated by the law of the 1st July, 1867, which modifies the penal code by the establishment of a penitentiary régime and of cellular prisons with continual isolation. Transportation, established by the penal code of 1852, is regulated by the decree the 9th December, 1867, which created special penitentiary colonies in Africa.

For juvenile prisoners there exists at Lisbon a house of correction with a farm attached, where the children are employed in the labors of gardening and agriculture, and where they are also taught some handicraft in the workshops of the establishment.

SPAIN.—The punishment of fetters for life (*la chaîne perpétuelle*), is undergone in designated places in Africa, in the Canary Islands, or beyond the seas. Criminals sentenced to perpetual or temporary fetters work to the profit of the state. They wear a chain on the foot, attached to the waist, and are employed in rough and painful labors. It is not permitted them to receive relief from without. Persons sentenced to temporary fetters are occupied in the arsenals.

Perpetual or temporary reclusion is undergone in establishments on or without the territories of the Peninsula. The punishment of the bagnio (*presidio mayor*), the duration of which varies between six and twelve years, is executed in the penitentiaries of the Peninsula, in the Balearic Islands, or in the Canaries. Correctional punishment (*presidio correccional*), from six months to six years, is undergone in the establishments of the Peninsula. The prisoners are employed in hard labor in the establishment, and a share in the product of their labor is set apart for them as a reserved fund.

Criminals sentenced to simple imprisonment undergo their punishment of the "greater prison" (*prision mayor*), from six to twelve years, in the establishments of the Peninsula and in those of the Balearic and Canary Islands; and those sentenced to the "correctional prison" (*prision correccional*), from six months to six years, in establishments situated within the jurisdiction of the tribunal which pronounced the sentence. The product of their labor belongs to themselves.

The "greater arrest" (*arresto mayor*), from one to six months, which is a correctional punishment, is undergone in a special prison, situated at the chief place of the arrondissement (*partido*).

ITALY.—According to the penal code of 1859, the criminal punishments are: hard labor for life or for a time, which is undergone in the *bagnios*; reclusion, which is undergone in the central prisons (*case di pena*), and *relegation*, which consists in imprisonment in a fortified place.

The correctional punishment of simple imprisonment is undergone in judicial prisons, if it does not exceed a year; otherwise, in the central prisons.

The punishments promulgated by the Tuscan code are: The bagnio

for life (*ergastolo*), the convict prison (*maison de force*), and the prison simple.

In the penitentiary establishments of Tuscany has been introduced the régime of separation, both absolute and upon the Auburn plan, which has been continued by the Italian government, with some modifications. In the bagnios and the penitentiary establishments of the other provinces, for want of space, it has been necessary, as a general rule, to continue the system of association, but with classifications according to the age and sex of the convicts, and because of the gravity of their sentences. Associated labor in the central prisons (*case di pena*) is carried on in silence. The education of the convicts is provided for as far as possible. Those who work receive a portion of their earnings, which is paid them on their liberation.

In 1873 there were in Italy : 8 establishments for punishment by simple imprisonment ; 4 for relegation ; 16 for reclusion ; 2 agricultural colonies (the islands of Gorgona and Pianosa in the Tuscan archipelago) ; two prisons for chronic convicts* (*condamnés chroniques*) ; 5 for divers punishments ; 24 bagnios ; 6 female prisons ; 3 prisons for juvenile criminals ; 36 private establishments of correctional education ; 256 judicial district prisons ; and 1499 cantonal prisons.

For want of a sufficient number of penitentiary establishments, many convicts undergo their punishment in the judicial prisons, which afford less opportunities for instruction and reformation.

The penitentiary régime is the object of incessant study on the part of the ministers of justice and of the interior. It will be so modified as to be made homogeneous with the penal code recently submitted to the senate.

GREECE.—The law of the 31st Dec., 1836, is that which still regulates the prisons. Unfortunately, the condition of the prisons does not permit the application of all the excellent provisions of this law. Greece, in effect, has but one true prison, the penitentiary of Corfu ; the others are forts constructed by the Venetians or Turks. Sentences to hard labor, whether for life or for a time, are served out in these forts, because they offer safer custody than any other places.

SERVIA.—The punishments of hard labor, of detention, and of reclusion for more than a month, are undergone in special penitentiary

* Whatever that may mean.

establishments. Persons sentenced, whether judicially or administratively, to reclusion for less than a month, undergo their punishment at the prefectures of the arrondissement or the district; no distinction is made for recidivists. The only exception made in regard to them is in what relates to conditional liberation. This is not accorded to them after having undergone the one-half of their punishment, as in the case of those who are serving out a first sentence. They must have accomplished two-thirds of their punishment, or if the case is one of a second relapse, the benefit of conditional liberty cannot be accorded to him at all (arts. 2 and 7 of the Law on Conditional Liberation.)

ROUMANIA.—The penitentiary régime is regulated by the law of the 16th January, 1874. The law prescribes separation at night and association by day, with labor and the obligation of silence. Punishments are undergone in penitentiary establishments named: 1. Penitentiary of correction. 2. Penitentiary of reclusion. 3. Penitentiary of hard labor.

Each of these establishments has accommodations for no more than 350 to 400 prisoners. In connection with every correctional establishment there is a farm, which is worked by the inmates.

Minors undergo their punishment in an agricultural penitentiary of correctional education. At night, they sleep in cells.

An article of the law enacts that all persons sentenced for the second time shall undergo their punishment in a special establishment called "penitentiary for recidivists." The prisoners are subjected to the cellular régime day and night.

2. PROGRESS AND CONDITION OF PRISON DISCIPLINE IN SWITZERLAND.

By Dr. GUILLAUME, Director of the Penitentiary of Neuchâtel.

Since the Congress of London, much progress in the domain of prison discipline—though in some cantons more, in others less—has been realized in Switzerland. The influence of that international reunion has been felt here in a manner not to be mistaken. The federal legislature printed and distributed, in all the Swiss cantons, the report submitted to it by the undersigned as its official delegate. The government also subscribed for a sufficient number of copies of the official volume of Transactions of the Congress to supply the departments of justice and the principal libraries of the several cantons. The press of the country took up the questions treated by the Congress, and carried on a discussion which largely contributed to the work of enlightening public opinion, and of directing the public attention to interests whose importance had not been previously recognized to the full extent that they deserved.

When the new federal constitution, soon to be voted upon,* was under discussion, many members of the national parliament advocated the unification of the penal law. The parliament even adopted a provision, according to which the confederation would have the right to establish institutions for the treatment of young criminals. Unfortunately the radical party, which had seen its revised constitution rejected by the people on the 12th of May, 1872, made such concessions in the domain of legislation, that the cantons will continue, agreeably to the new constitution, if adopted, entirely independent in this regard. This draft enacts, Art. 65: "The death penalty is abolished; nevertheless the regulations of the military penal code will continue in force in time of war. Corporal punishments are abolished."

This article constitutes a real progress, and indicates the present state of public opinion in Switzerland. These punishments were, in point of fact, already abolished; but the introduction of this provision into the fundamental law, and the discussion to which it gave

* It has since been adopted by a large majority.

rise, will become a point of departure for reforms in the penal institutions of the cantons. The strong opposition made to the unification of the criminal law by the partizans of state rights (*cantonalisme*), which they represented as an indirect means of establishing a centralization which would destroy all political life in the cantons, will retard the application of measures preventive of crime and the efficacious action of a rational penitentiary system. But for all that, the march of improvement will not be arrested; and since it will continue in the separate cantons, the innovations effected will be all the more lasting, since they will be gradual, and will win their conquests as the result of hard-fought battles. The chief inconvenience will be a want of uniformity in the general measures adopted, which will long remain an obstacle to thorough reform in criminal statistics.

A number of cantons have introduced reforms in their penal legislation, and among them the cantons of Uri and Apenzell. The first of these, which has just inaugurated its new penitentiary, has expunged from its code the coercive measures formerly in use for obtaining confessions from accused persons, and has substituted therefor the process of indictment. The draft of a criminal code, which has just been prepared, specifically names the kinds of punishments to be inflicted—a provision wholly unknown before. By this code the term of sentence may be reduced one-third, if the conduct of the prisoner has been unexceptional during his incarceration; but the principle of conditional or revocable liberation has not been introduced. In the canton of Apenzell the new local constitution has abolished, as incompatible with the idea of punishment, the possibility of an appeal from the judgment pronounced. Criminal procedure has been subjected to rules, and the inquisitorial system has been replaced by the system of trial. In the canton of St. Gall the great council enacted a law, in August, 1872, for the imprisonment of vagrant, idle and vicious persons in houses of correction. The draft of a revised penal code for that canton, embodying the principle of provisional liberation, is now pending. The council of state of the canton of Argovie issued in February, 1872, a new regulation relating to the surveillance of liberated prisoners. By this regulation, such surveillance has been confided to the council of the parish of the locality in which the discharged prisoner resides. The great council of Geneva has confided to a commission the examination of the penal code of that canton. In the canton of Neuchâtel the legislature has adopted a decree, introducing the principle of provisional liberation into its penitentiary system. The great council of the can-

ton has also decided that the fortune (800,000 fr.) bequeathed to the state by M. Francis Borel shall be devoted to the establishment of an asylum for unfortunate, neglected and vicious children, to be organized as an agricultural and professional colony, similar to the English reformatory and industrial schools. The reforms inaugurated in this canton are largely owing to the influence exerted by the Congress of London, and to the visits subsequently made to Neuchâtel by Dr. Wines and Miss Carpenter.

The penitentiary system, as organized by Sir Walter Crofton, is becoming more and more popular in Switzerland. The canton of Thurgovie will soon introduce progressive classification into its penitentiary system; and the draft of a decree on provisional liberation has already been prepared by the department of justice of that canton. The canton of Tessin inaugurated its new penitentiary in 1872. That of Uri has also just opened an establishment of the same kind, and other cantons are on the point of introducing essential reforms not only in their penitentiaries, but in their prisons for preliminary detention. The canton of Berne, especially, proposes the early adoption of radical reforms on the principles of the Crofton system. The Swiss Society for the Promotion of Penitentiary Reform continues to display its customary activity. Despite the obstacles caused by the lack of uniformity in the penal legislation of the twenty-five states of the confederation, the society proposes to undertake, in concert with the federal bureau of statistics, the labor of unifying the criminal and penitentiary statistics of the several cantons, a labor demanded by the international commission created by the Congress of London.

It is thus seen how speedy, decisive, and gratifying has been the fruit yielded in Switzerland by the great International Prison Reform Convention of 1872.

3. PRESENT STATE OF THE PRISON QUESTION IN SWEDEN.

By M. ALMQUIST, Director-General of Prisons.

The discussions which have taken place in other countries concerning the best system of punishment and the special advantages to be derived, severally, from absolute isolation and associated silent labor by day, with separation at night (Philadelphia and Auburn systems), had not, until quite recently, reached the Scandinavian Peninsula. In Sweden the immemorial custom was maintained of using bodily inflictions in punishment of crime, and of herding together, night and day, criminals under sentence and accused persons, whose offenses had not yet been proved. The public was ignorant of the condemnation which this system had received in every civilized country. Through the appeal which Oscar I, when crown prince, made to the people in his work on Punishment and Penitentiaries, in which he advocated the duty of a more humane treatment of our fallen fellow-men and the necessity for a reform of our prisons, the Swedish people were awakened from their sleep of ignorance and insensibility.

Thus aroused, the parliament of Sweden resolved to introduce the solitary system, and voted for that purpose several millions of rix-dollars. During the past thirty years corporal punishment has been abolished, and an entirely new penal code was adopted in 1864. As regards the question of imprisonment, nothing was done except to erect cell-prisons in the several provinces. Sweden possesses at present forty prisons in the different provinces of the kingdom for solitary confinement, containing 2,100 cells. These prisons are used, partly for the custody of prisoners under examination, and partly for those whose terms of sentence do not exceed two years.

In the large central prisons on the associated system for longer periods of confinement, considerable improvements had been introduced with reference to ventilation, supervision, and employment; but intercourse between the prisoners night and day remained unchanged. The question arose in 1870 as to cells for the separation of prisoners during the night, and the necessary parliamentary grant having been made, the work of fitting up such cells is now going on. In 1871, and therefore before the Congress of London, parlia-

ment had appropriated the requisite sum for the erection of a prison near Gathenburg, capable of containing 300 to 400 individuals, and designed especially for young criminals, and for those not guilty of felony who are sentenced for a period exceeding two years. In this prison a progressive treatment of the prisoners will be adopted.

The International Penitentiary Congress of London, in 1872, has had the effect of drawing the attention of the legislature and the public in general to the necessity of further measures for improvement in the treatment of prisoners. The information obtained by the Swedish members of the Congress, partly at its various sittings and partly through visits to the more important and better known among the prisons of England and Ireland, but much more through the mass of instructive literature furnished by the Congress, has prepared the way for a broader study and clearer comprehension of these subjects, which have been so seldom treated of in Sweden. The Transactions of the International Penitentiary Congress, edited by its secretary, Mr. Edwin Pears, and the reports by Dr. Wines on the Congress of London and on that subsequently held at Baltimore, in the United States, offer the richest materials for the diffusion, throughout the country, of information touching prisons in general, and at the same time tend to awaken and stimulate thought on a great social question, which has hitherto received among us less attention than it deserves.

That the Congress has exercised an important influence in Sweden, is attested by a variety of proofs. On the ground of the condemnation of our system, expressed by representatives from all countries, the necessity for a change was again strongly urged. I pointed out, as clearly and forcibly as I could, the importance of keeping separate from the others, in the beginning, prisoners sentenced to longer terms for intimidation, as well as prisoners who were not utterly lost, to the end that they might have an opportunity for reflection and for exhibiting some evidences of better intentions. The consequence was, that his Majesty's government proposed, and on the 30th of May, 1873, the parliament passed an act, to the effect that persons sentenced to longer terms of imprisonment than two years should be confined in cells for a sixth part of their time of punishment, with a proviso that not less than six months, nor more than twelve, should be so passed. This was a step in the direction of the progressive system, which was immediately carried into effect. As soon as the night-cells and the workshops, which have been determined upon in the prisons, are completed, those who have served

out the first period of their punishment in cells, will be kept at work during the day, in companies of ten to fifteen, in separate rooms, under the oversight of foremen, who ought, if possible, to be skilled workmen, partly for the purpose of instructing the prisoners under their charge, and partly to superintend the execution of the work and to take part in it themselves. The complete adoption of the progressive prison system for older criminals was proposed in last year's parliament, as well as that prisoners under eighteen years of age should not be sentenced to cell punishment, but be sent to a reformatory school. These propositions depend on the decision of a specially appointed parliamentary committee.

The introduction of the progressive system in this country, applied according to either the English or Irish method, would meet with this difficulty, viz. : That the law permits the judge, when the legal punishment exceeds two years, to add only a few months beyond that period, and in but very few cases could a sentence for five years or more be imposed. Consequently, the time is too short for the different stages to give to the prisoners sufficient opportunity, during each, to display his good intentions and his endeavors after improvement, by the order, assiduity, and docility which he exhibits. In the case of the greater number of prisoners, no time would remain either for the intermediate stage or for conditional liberation. However, in proportion as the superior value of the progressive system becomes known, the necessary changes ought to be, and no doubt will be, adopted by the legislature. Meanwhile, other measures have been taken to secure an improved penitentiary treatment. There has been established, in connection with the central penitentiary near Stockholm, an institution for the education of prison keepers in their special duties. The course of study and training here is divided into two parts, viz. : A lower course for the under officers, and a higher one for the superior ; each continuing for the space of six months. For the lower course, young men are chosen from among the prison warders, who have shown themselves to be possessed of the necessary moral qualities, the requisite preliminary knowledge, and the natural capacity essential to the service. Admission to the higher course is open to those who have taken the lower, and have afterwards distinguished themselves for ability in the service, and also to other young men in possession of the elements of a higher education, who desire to devote themselves to the business of prison keeping. The two courses embrace the general subjects of instruction, as taught in other educational establishments,

as well as those which have special reference to the service ; such, for instance, as certain parts of the criminal law, the law of arrest, the treatment and management of prisoners, and the rules and regulations of the service. It is intended that these pupils shall, in turn, serve in the various departments of the prison, under the supervision and guidance of experienced teachers and officers. In order to acquire ease and freedom in their motions, as well as for purposes of health, the pupils are required to take gymnastic exercise, and to accustom themselves to the handling of arms. Those who have taken these two courses, and have at least received their certificate "approved," are entitled to a pecuniary allowance two years earlier than would otherwise be the case, and have also the right to promotion over other officers, who have not gone through with the special educational course.

It is proposed that translations into Swedish be made of popular treatises on prisons and prison discipline ; that reports of the progress made in other countries be drawn up from time to time, and that short essays be written on the subject ; and it is hoped that, by the free circulation of such publications, the interest of the *personnel* of the prisons will be awakened, their judgment enlightened, and their ability for useful service enlarged. The necessary conditions for a right penitentiary treatment must be secured by a staff at once educated, able, permanent, and heartily devoted to their profession.

The question as to how the different stages of imprisonment may be best employed for the secular, moral, and industrial education and improvement of the prisoner has been made the subject of the most careful study and deliberation since the Congress of London. His Majesty's government nominated last year a special commission of four gentlemen, well known for their philanthropy and knowledge of human nature, and appointed as chairman the director-general of the prisons of the kingdom. This commission was charged with the duty of proposing the principles and measures considered most suitable for the reformation of prisoners, and such as have stood the test of experience elsewhere. The methods recommended were substantially these ; After the first few days of his imprisonment, which are to be passed in complete solitude and without labor, for purposes of reflection on his past life and his present situation, the prisoner is to be offered an opportunity of free conversation with the prison chaplain, who shall give him instruction, counsel and encouragement suited to his state of mind and circumstances. His position is to be afterwards gradually alleviated by instruction in

classes, intercourse with the teachers and officials, and finally by work. At first, only labor of a monotonous and uninteresting character will be given to him ; but later, and as he earns the privilege by diligence and good conduct, he will receive instruction in some handicraft, which may serve as the means of obtaining an honest living after his discharge. The prisoner is to be minutely informed of all his duties as such, and of the advantages he may gain by industry and obedience ; and he will thus be brought to the conviction, that the principal object of all that is done for and to him by the officers, is his own improvement and elevation. A careful education, under the guidance of an enlightened staff, working harmoniously together, ought to be a sufficient guaranty that, at the expiration of his term of confinement, the prisoner will leave the prison a better man than when he entered it, and in some degree prepared for the enjoyment and right use of freedom. Nevertheless, a transitional stage for further probation is recommended, as is also the establishment of well ordered institutions for the aid of discharged prisoners.

The great importance to the prisoner and to society of his having, after he leaves the prison, some means of maintaining himself, and also some moral support as a shield against the ill-will, not to say abhorrence, which he will be likely to meet with from society at large, has at length been fully recognized among us. Three associations for this very laudable object have been formed in Sweden during the past few years. But in order to form a bond of union between these, and to produce a change in public opinion, so that, instead of repelling, it shall win back to virtue, the penitent criminal, who has often digressed from the path of rectitude by the temptation of the moment, and not through any inherent and fixed criminal dispositions, an association was formed last year, under the patronage of her majesty the queen dowager Josephine, who gave \$37,500 towards its foundation. The association has received other large subscriptions from the royal family and from all classes of society, so that it will soon be in a position to found two reformatory colonies after the model of Mettray, in France. The association has also received the gift of a landed estate of 500 acres, of which one-third is under cultivation. On this estate there are dwelling-houses sufficient for 130 youths, as well as separate villas for managers and teachers of all kinds, and, in addition, a school-house and workshops.

This society has received the name of "The Oscar and Josephine Association," in honor of Oscar I, who warmly recommended such

an institution, and of Queen Josephine, who subscribed the means for its immediate foundation.

From the above statements, it will be readily seen that of late there has been in Sweden a greatly increased activity in regard to penal and reformatory institutions; an activity beyond anything previously known among us; and such activity may, without exaggeration, be attributed to the information and inspiration which the Swedish delegates brought back with them from the Congress of London. The great results flowing from that reunion have thus been already recognized in Sweden; and its influence will be even greater in the future on criminal legislation and criminal treatment. The liveliest gratitude is, therefore, due to Dr. Wines who was the originator of the Congress, and through whose energy it obtained such extent and importance.

4. THE PRESENT STATE OF THE PRISON QUESTION IN NORWAY.

By RICHARD PETERSEN, Director of the Penitentiary at Christiana.

In my report on the International Penitentiary Congress of London, published in the *Norsk Retstidende*, I made use of the following language: "The present state of things is entirely different from what it was in Howard's time. The reforms needed now are not so great as they were then. Still, our times have their own just claims, and our Norwegian prisons cannot much longer remain in their present neglected condition. The reduction of our eight prisons* to four or five is an economical question. Of a much deeper and more comprehensive nature is the work of improving the discipline of our congregate prisons by restraining the almost unlimited communication between prisoners of all ages; of framing general rules for the treatment of the prisoners; of providing for a comprehensive and wise system of penitentiary statistics, and of reconstructing the law relating to the penitentiary.† The department of justice has felt that it lacks the power to reorganize, completely and rationally, our whole prison system. The minister has asked for a new penitentiary—one of a higher order; but this has been refused by our parliament. I hope, nevertheless, that the project is not altogether abandoned, but that the Congress of London will be the occasion of giving it new life, and of bringing it again before the parliament and the nation. Whether it would be wiser to have a central and controlling prison authority, occupying a position more independent of the department of justice, is a question which I do not propose now to consider."

The same state of things still prevails in Norway as when I penned the foregoing paragraph. Dr. Wines's letter of 1873, in which he expressed the desire to obtain from me a short report on the penitentiary question in Norway, and particularly to inform him what progress prison discipline had made since the Congress, was, immediately on its reception, laid before the minister of justice. In a letter dated the 10th of February, 1874, the minister replied that he

* Mr. Petersen refers here to prisons of a higher grade than the "district prisons," corresponding to our county jails, of which there are in Norway fifty-six.

† This is the highest prison of the state, and is conducted on the plan of cellular separation. Mr. Petersen is its director.

did not find the case sufficiently urgent to pronounce himself upon it, but suggested that I should address myself to the directors of the other prisons throughout the country, to whom had been forwarded copies of the Transactions of the London Congress, and ask them for information. It was not to be expected that the directors of our seven *antiquated* prisons should reform their discipline without special instructions from the department of justice, and, so far, no great reforms in the discipline have been effected since 1872. Our old prisons are so badly constructed that every reform is made exceedingly difficult. This, however, is not the case with the prison under my charge, which is a modern penitentiary. I cannot complain of external hindrances. The buildings are well adapted to carry out the system of total isolation of the prisoners. Yet even here no essential change has been made since the date referred to. The most important change—the direct result of the London Congress—is the organization of a private aid society for the best of our liberated prisoners. This society consists of the director, the chaplain, the chief warder, the clerk, and our three teachers. There is an aid society common to the three prisons of Christiana, with public grants; but it only helps with money, while our society aids the liberated by procuring work for them, by extending to them sympathy and advice, and by visiting and encouraging them in their new homes. My prison stands like an excrescence, an abnormality, among the seven old prisons, resembling a new piece of cloth on an old garment. It will be of greater use when the entire penitentiary system is reformed; and then only will it form with the other prisons a harmonious whole. The law for this prison needs many alterations; but it can hardly be expected that much change will be made before the whole prison system is reorganized. When this will be effected, it is impossible to predict, but I hope the time will not be long; and whenever that result is reached, the work of the London Congress will form the basis of the new organization. I do not doubt that it will be easier now than at any previous time to carry through the needed reforms, for the reason that the Congress of London has made the prison systems of the whole civilized world, so to speak, transparent. They can be seen as in a mirror, so that the good points may be copied, while the bad, if any, are avoided. The systems are now arranged in groups, so that every nationality has but to decide which is best adapted to its own circumstances, character and wants.

While the contest was going on in this country, between the Phil-

adelphia and Auburn systems, much interest was shown in penitentiary matters. At present comparatively few interest themselves in, or write upon, this question.

In my report on the London Congress, I have spoken of juvenile reformatories. Reference was made to a little agricultural colony for vagrant and neglected children of both sexes (*Toftes gave**). I observe: "*Toftes gave*" is a foundation on which it may be possible to build, and it may be that a future reform will first cast its eye on that establishment." I am firmly of the opinion that, in any reform looking to the prevention and repression of crime, it is necessary, first of all, to direct our attention to the younger class of offenders. During the past winter, a great many thefts have been committed in Christiana by children under sixteen years of age. These children have, to some extent, formed combinations, have stolen in gangs, and have shown much impudence. This, more than anything, cries loudly for a reform. In Norway, children between the tenth and fifteenth year may, under certain circumstances, be sentenced to penal servitude [state prison]; between the fifteenth and eighteenth, they are often sentenced to this punishment. As the penitentiary of which I am director receives only persons who have passed their eighteenth year, children and youths under that age are sent to the associated prison. My opinion is that here, in Norway, we ought to have, as nearly all other countries have, institutions for juveniles (reformatories, industrial schools, etc.); that persons who fall into crime after their eighteenth year, and have a short sentence, ought to serve out their time in cellular prisons; and that professional criminals and those with a long sentence—certainly exceeding six years—should be sent to houses of correction with night cells, and be subjected to a progressive system, with liberation on license [the Crofton plan]. I think that the prison system of Denmark will be the one best adapted to Norway.

As regards the Congress of London, I must say for myself, that it has taught me a very great deal. The interest with which the different nations regard their prison systems, and the earnest spirit in which they seek reforms, were clearly shown there. One lesson deeply impressed upon my mind by that great gathering was, that while principles are unchanging and eternal, every country needs its own individual system and an energetic head, so that there may be unity of purpose and a homogeneous administration, and so that the treatment of the prisoners in each prison may not be wholly at

* "*The gift of Tofte.*"

the discretion of the director, though certainly it is not to be desired that all freedom of action should be taken away. The worth of a human being, the value of a single human life, must be clearly understood by the directors. It ought to be especially impressed upon them, that they be very cautious and discreet in their use of punishments. They must not punish more severely than necessity requires. A too hasty use of the sternest punishments may render the mind of the prisoner torpid and indifferent, or beget in him a sense of wrong, that will become a serious obstacle in the way of his reformation. No doubt discipline must be maintained at every cost. A prison without discipline—a discipline firm without injustice and strict while it is humane—cannot have a good influence on the prisoners. But the prison which maintains the best discipline with the mildest punishments must be acknowledged to be the best. In my opinion, General Pilsbury is a model, because, though having the power, he has not employed corporal punishment for twenty-five years. After what I have read of his Albany prison, I must look upon the discipline there as perfect. I hold, with the English authorities, that corporal punishment ought not to be prohibited in prisons, but that it should only be employed in the last alternative. I fear that the public, at least in Norway, has somewhat misconceived the spirit of the London Congress, looking upon it as at least bordering on softness and sentimentality. For myself, I have been more strict in my prison since 1872, acting upon the maxim, that “if the criminal is not corrected for small offenses, he will commit greater ones.” But for trifling offenses I always, in the beginning, use mild punishments. A prison governor is a corrector; that is his proper function; but he ought chiefly to correct through moral remedies. His best weapons are strength of mind, a clear judgment, an even temper, a firm character, a just will, and high moral worth. He should be fully sensible that he is responsible for his difficult work. Speaking for myself, I can say with truth, that the burden of my responsibility never weighed so heavily upon me as since my return from the London Congress, in the summer of 1872.

5. ACTUAL STATE OF THE PENITENTIARY QUESTION IN ITALY.

By Signor MARTINO BELTRANI-SCALIA, Inspector General of Prisons for the Kingdom of Italy.

You ask me to furnish, for the Congress of St. Louis, some notes on the progress and present state of penitentiary work in Italy. I have little to add to what has been said in the appendix to last year's volume of statistics, the closing chapter of which exhibits the progress made by our penal administration during the year. The Royal Penitentiary Commission has done nothing since the Congress of London, and it will not be likely to resume its labors, for the reason that the draft of the new penal code for Italy has been already laid before our legislative chambers, which will determine all questions, and fix definitely the system to be followed.

In the proposed code the death penalty is retained, and the secondary punishments admitted are: The bagnio for life (*ergastolo*), reclusion, and relegation. As a general rule, *ergastolo* (which is a punishment for life) must be passed in one of our islands in continual separation for the first ten years, and afterwards in an imprisonment upon the Auburn plan. Sentences to reclusion and relegation (penalties of a temporary duration) are to be served out upon the Auburn system. Penal colonies and conditional liberation are also embraced in the new code; but it is not improbable that the code may be modified by the discussion which it must undergo in the chambers.

As a temporary punishment (*pene transitorie*), it is proposed to adopt transportation. I have just written a *brochure* against this proposal. At present public opinion favors this measure; but I hope that it may by degrees be modified in regard to it. I will send you the pamphlet as soon as it is printed, and you will, perhaps, find in it things that will interest you. I will also send a copy of the new penal code, as soon as it shall have been adopted by the chambers.

There is one branch of the penitentiary service, to which the prison administration of the kingdom of Italy has, for a number of years past, been directed, that looks to the development of convict labor, and particularly out-door work. This important branch of the service has already made great progress; and although all has not been

accomplished that might be desired, the results are, nevertheless, satisfactory.

Leaving out of view the examination of the system adopted for penal establishments and the product of indoor work there pursued, it is my purpose to give, in this paper, a brief account of outdoor work, of the manner in which it is developed, and of the progress made therein, distinguishing between the work of those sentenced to penal servitude (*travaux forcés*) and of those sentenced to shorter terms of punishment for offenses of a lighter kind. For these latter there exist, at the present time, three penitentiaries, or, more properly, agricultural penal colonies, where those prisoners are sent who have been sentenced to the punishment of reclusion, of relegation, and of simple imprisonment, but who have distinguished themselves, by their good conduct, from fellow-prisoners who, like them, have been imprisoned in penal establishments, where there is no out-door work. The transfer, it is thus seen, is on the ground of merit and by way of reward, and is intended as a stimulus to order, industry, and obedience. These colonies are established on the islands of Pianosa, Gorgona, and Capraia in the Tuscan archipelago. The colony of Pianosa already counts a criminal population of 700 souls; by the end of the current year it will be 800; and before the close of 1875, it will probably amount to 1,000. The other two islands, together, contain at present about 400. We have, therefore, at this moment, in the three colonies 1,100 prisoners. With the exception of those who are engaged in household duties, or in making the shoes, clothing, and other necessary articles for the "penal family," all these 1,100 prisoners are occupied in field work; principally in the cultivation of vines, olives, and the cereal grains. The yield has proved highly satisfactory. Already the colony of Pianosa, which leads the others, produces excellent wines, which have received commendation even from wine merchants. The grain produced lessens the expense of providing bread for the convicts, while the other labor, industrial as well as agricultural, tends to keep down materially the cost of the establishment. The same may be said of the other colonies—Gorgona and Capraia—though it must be borne in mind that the last named of these is still in its early infancy.

The day's work of the convict is paid for on a basis of wages previously agreed upon, of which the convict himself receives a certain proportion, according to the general regulation and the kind of imprisonment to which he is sentenced. The prisoner's share is

divided into two parts, one of which he is at liberty to expend in procuring for himself better food or in larger quantity than the law allows, and the other forms a reserved fund (*masse de réserve*), to be given to him at the time of his discharge. The remainder of his earnings goes to the administration. On holidays (Sundays, saints' days, and festivals), which are numerous in Italy, and also in the evening of some of the working days, the convict is required to attend school, in which, among other things, he is taught agriculture as a science, so that he not only works mechanically, but learns theoretically the general guiding principles of the cultivation on which his hands are daily employed.

To see how extremely beneficial this sort of work must be to the imprisoned class, it is only necessary to remark that two-thirds of the convict population come from the most wretched parts of the country, and from the vagrancy of the cities. To these unfortunates is thus offered, during their incarceration, the means of following, under intelligent direction and profitably to themselves, their own business if they knew one before their imprisonment, and if they did not, of learning one, both profitable and easy, so that at the end of their sentence they may return to their homes furnished with a little capital and with greater knowledge, whereby they may be enabled to procure steady employment and increased wages.

As some 500 of these prisoners in the agricultural colonies are liberated annually on the expiration of their terms of sentence and return to their former homes, we must ever bear in mind that they carry with them to the most remote and wretched places that theoretical knowledge and practical experience which, while of great benefit to themselves, must naturally and most advantageously contribute to the general progress of agriculture throughout the entire kingdom.

The penal administration of Italy now furnishes agricultural work to a daily average of about 3,000 convicts. It employs, on its own account, some 200 in agricultural labors on land adjacent to several of its penal establishments, on which are chiefly grown wheat, barley, and vegetables. Considerable attention is also paid to higher agricultural industry; notably to the rearing of the silkworm and the culture of the tobacco plant, the first on the land pertaining to the penal settlement of Cagliari, the second on that of Alghero. Neither of these, however, is yet firmly established, particularly the last, which has but recently been introduced. Moreover, it presents greater difficulties in its cultivation, requiring a special condition of

the soil and assiduous attention both in the transplanting and rearing, and for the moderate fermentation of the leaves. Still, there is good promise of a successful cultivation.

An average of 1,500 convicts are employed by private contractors or municipal bodies, in the construction of ports and roads, in collecting and transporting salt from the salt mines of Cagliari and Tortoferraio, in working iron mines, in masonry, in a private foundry of metals, and other occupations. About 600 convicts, on an average, are permitted to work on the lands of private proprietors. The labor of these prisoners is chiefly required by the owners of some commons in the agricultural province of Grosseto. That the vast extent of swamp lands in this province called the Tuscan marshes (*maremme Toscane*) may be reclaimed and made healthy, the government requires its contractors for the "land improvement" to employ a certain fixed number of men upon this work. It has already made provision for the erection of suitable buildings for the nightly shelter of the convicts and their guards near the place where the improvements are going on. The Italian government proposes to employ some 500 additional prisoners in the work of improving other extensive tracts of marshy and unhealthy lands in the island of Sardinia. It has just closed a preliminary inquiry with a view to the choice of a locality best adapted to the establishment of this new penal colony.

From the above details it is evident that a large body of malefactors, numbering more than 4,000, are daily employed in the most useful labors. Thus occupied, their minds must be turned largely from evil thoughts and from those wicked machinations which idleness so often prompts. They must be brought, day by day, to look forward to a better future; and, through habit and the stimulus of gain, they will naturally acquire a love of labor. Physically, they cannot but improve. With constant exercise in the open air, the health of the convict employed in out-door labors is, in effect, better than that of the convict confined in close quarters. They are enabled to secure the additional great advantage of possessing a certain capital of money at the time of their liberation, while at the same time they aid the administration, which claims for itself a moiety of their wages, and is thus in part relieved of the heavy expense of their maintenance and custody. Selected from the mass of convicts (who are undergoing their punishments in the different penal establishments) for their good conduct and diligence in work, and having already undergone at least the one-half part of their punishment, they

are so uniformly well behaved that it is seldom that any case of disorder occurs, and the discipline is truly admirable.

But the greatest benefit arising from the labor of these men is in the impulse it gives to the material and economic prosperity of the country, since thereby is secured, at moderate cost, in localities where free labor is either scarce or not to be had at all, the execution of works of public utility, and of a much needed and much desired improvement of the unhealthy and unproductive lands of our fertile peninsula.

The classification of punishments under our present penal code, preventing as it does many of the prisoners from engaging in outdoor work, is an insuperable bar to such an extension of that kind of labor as is greatly to be desired. But with the new code, establishing new rules for the grading of punishments, which is already before parliament, the prison administration will have a larger opportunity for contributing, through convict labor, to the progressive activity, whether private or public, of regenerated Italy! It will then be able to achieve those bright results, which are now prevented, not by the want of a spirit of initiative, but by the restrictions imposed by the existing penal laws.

The penal administration of Italy has recently founded an establishment of great interest, and promising the best results to the cause of penitentiary reform. It is an institution designed for the systematic professional training of prison officers. It contains 400 men, selected from the Italian army, well-behaved, and skilled as agriculturists, shoemakers, tailors, and carpenters, or as other handicraft workers. These are carefully instructed in the various matters needful to render them efficient officers, instructors, bookkeepers and clerks, amongst the various colonies of criminals and vagrants. They are especially trained in reference to the requirements of the agricultural penal colonies. It is not to be doubted that such an institution will have a marked influence in hastening needed reforms in the penitentiary régime, and in elevating the whole work of prison discipline.

6. ACTUAL STATE OF THE PENITENTIARY QUESTION IN HOLLAND.

By Mr. M. S. FOLS, late Official Commissioner from the Netherlands Government to the International Penitentiary Congress of London.

Though the time at my disposal is too limited to prepare a report on the prisons in Holland, I will at least try to give a summary review of the actual state of the penitentiary question in that country, and of its progress since the London Congress. That progress may not yet have been displayed in legislative measures, still it may be deemed not unimportant, and is due, in part, to the London Congress. But as it is only a new step in a direction that has been steadily followed for some time, its value cannot be known without some knowledge of what had been previously done.

The penitentiary question is intimately connected with the system of penal law prevailing in a country. Punishment ought to be not only suffering inflicted in expiation of the wrong done to society or to its individual members, but at the same time a physic applied to the moral causes of crime. Penal law has to prescribe the physic, and what avails the best surgery, when the prescribing physician wants discernment? Now the state of our penal law is still very unsatisfactory. In 1810, when Holland was, for a short time, incorporated into the first French empire, the French codes were introduced and all our ancient laws abolished. These codes have been exchanged, however, for new national codes, with the sole exception of the penal code. Several attempts have been made to introduce a new penal code, but so far have failed. Even now a commission is at work preparing a new code, and will be able in a few months to publish the result of its labors. Though the wish that it may be found worthy of being adopted is very general, it will take a long time yet before it will have run all the stages, and become a law. But, though the French code is still retained, several important changes have been gradually introduced, especially in the system of penalties; and these changes indicate a strong tendency in a certain direction, which, as I hope and believe, will ultimately, and in no long time, prevail, giving us a sound and rational penitentiary system.

The French code introduced a threefold distinction of transgres-

sions, with a threefold system of penalties : 1. *Crimes* (felonies) punished by various penalties, such as death, penal servitude for life, transportation, penal servitude for a time, reclusion, the pillory, banishment, and civil degradation. All these penalties are ignominious. They put on the convict a legal note of infamy, and work a general forfeiture of civil and political rights. Some even entail upon the criminal civil death, and a general confiscation of property. 2. *Delicts* (misdemeanours) punished by imprisonment in a house of correction, interdiction of certain civil or political rights for a time, and fines. 3. *Police contraventions*, punished by police imprisonment and fines. This threefold distinction has been maintained to the present time, but the penalties of the first class have nearly all fallen into disuse. The death penalty, penal servitude, the pillory, degradation, civil death, and the general confiscation of property have been abolished, while transportation and banishment, though never formally abolished, have never been employed, and may be considered abolished by disuse. The only remaining penalty of the first class is reclusion, and, omitting the police contraventions, our whole penal system is reduced to four penalties : Reclusion, imprisonment in a house of correction, interdiction of certain civil or political rights for a time, and fines. And even the distinction between reclusion and imprisonment is gradually giving way. The difference between these two species of privation of liberty was meant to be very great. Reclusion was much the harder kind. It puts a legal note of infamy on the convict, and though labor, strictly penal, is unknown in Holland, the prisoners in a house of reclusion are more severely confined to labor, have a less share in the profits of their toil, and are subjected to a more rigid discipline ; yet, as regards labor and discipline, the difference between our houses of reclusion and our houses of correction is practically of little importance, and as the opinion that all legal infamy should be abolished is gradually coming into vogue, there will, sooner or later, remain no sufficient ground for the distinction, and reclusion will also disappear. This will open the way to a better classification ; viz., an imprisonment with obligation of labor, and an imprisonment which consists in a mere privation of liberty without that obligation, but with the faculty and the choice of labor. The latter species of punishment is for some special offenses (political offenses of a lighter character, etc.), which should not be confounded as is now done with ordinary crimes.

While our system of penalties has thus been reduced to a simple

and definite form, the cellular system has been steadily gaining ground. In 1851 the first cellular prison was opened at Amsterdam. As it was simply experimental, and contained only 208 cells, the application of the system was confined within narrow limits. The law of 1851 left it to the discretion of the judge to award either associated or cellular imprisonment; and whether it should be the one or the other depended on the circumstances of the case, the character of the culprit, or the judgment of the court as to which would probably be most useful. This power was restricted to the case of a sentence of one year's imprisonment or less, while the duration of imprisonment in the cell could not exceed the moiety of the sentence to imprisonment in association, which the judge should have pronounced. Thus the maximum of cellular imprisonment was at first only half a year, which was deemed equivalent to associated imprisonment for a year. As the system gained ground and the number of cells increased, the time was extended, and the same power given to the judge in 1854 in case of sentences of two years, and in 1871 in case of sentences of four years. The maximum of cellular imprisonment is therefore actually two years, while the number of cells has gradually increased to 1,197. We have now, or in the course of this year will have, three great cellular prisons, viz., at Amsterdam, Utrecht and Rotterdam, with 208, 186 and 344 cells. We have also a great many local prisons on the separate plan, containing from seven to sixty-six cells each.

Such was our position at the time of the London Congress, and is still. As may be seen from what I have said, we have not yet attained to a definite system. Though the cellular system meets with scarcely any opposition, and the extension in 1871 was nearly unanimously approved, the application of the system is not yet made in a uniform and harmonious way, and opinions as to the proper limits of time do not yet agree. The progressive [*i. e.* the Crofton] system has found numerous adherents; and though they do not oppose the application of the cellular system in cases of short sentences, they naturally wish to see it limited as much as possible. Many persons, influenced by the great results apparently obtained in Ireland by that system, and by the high and well-deserved authority of so many eminent men who strongly favor it, were in a state of doubt and hesitation. Some even feared that the London Congress, in which the adherents of the progressive system naturally formed a large majority, owing to the great number of English and American members, would lead to a reaction against the cellular system. That

fear was not realized, but, on the contrary, the influence of the Congress on public opinion in Holland has been strongly in favor of the cellular system. This fact appeared very soon after the close of the Congress. In the annual meeting of the Juridical Association (an association of juriconsults for the promotion of law reform), a whole day was given to a discussion of the best prison system; and after a long and very interesting debate, the result was declared in five resolutions:

1. With the exception of some specified cases, cellular imprisonment may be imposed for three years.

2. Cellular imprisonment ought not to be applied for a term exceeding three years, without the free consent of the prisoner.

3. In cases of sentence for a longer time, the progressive or Irish system is not to be recommended.

4. In such cases the prisoner, after having been subjected to the maximum of cellular imprisonment, ought to be admitted to associated imprisonment, based on a sound classification.

5. Good conduct ought to give to the prisoner a right to conditional liberation.

These resolutions, with one exception, were adopted by a large majority; the first and fourth nearly unanimously, while only the third was strongly opposed, and was carried by a comparatively small majority. Frequent reference was made in the discussions to the debates in the London Congress. The more accurate knowledge of the Irish and English progressive system, acquired at the Congress, greatly contributed to the large majority that declared in favor of cellular imprisonment. Whatever may be the merits of the progressive system, it apparently can only be applied to long sentences. The remarkable fact stated by the eminent founder of the system, Sir Walter Crofton, that his system only applied to sentences of five years and upwards, and that three or four years were too short a term to enable the system to produce good results, confined the question of preference between the two rival systems to a very narrow limit. It excluded from the progressive system the vast majority of our convicts, viz., all those sentenced to imprisonment in a house of correction. Hence it was pretty generally admitted that cellular imprisonment should be applied to all these persons, and by agreeing to a term of three years, they were virtually all included. The only remaining question was, what to do with our reclusionists? An application of the progressive system to this class of convicts was strenuously advocated, but the majority came to the conclusion

that they also should be subjected to cellular imprisonment; but yet against their own free will, not longer than three years. This last resolution is the more remarkable, as it would virtually lead to an abolition of reclusion as a form of imprisonment, distinct from imprisonment in a house of correction.

These resolutions only indicated the private opinions of an association without any official authority; but it soon appeared that they were shared, in part at least, by our minister of justice. On the 27th February last, he submitted to our legislative body a project of law, whose effect would be to confirm and extend the application of cellular imprisonment, and to form a basis for a remodeling of our prisons. It extends the cellular system to all sentences of six years' imprisonment in a house of correction, or less, thus admitting a cellular imprisonment for a term of three years, as our rule is still maintained that the latter imprisonment should not exceed the moiety of an imprisonment in association. As the number of cells is not yet sufficient, the present proposal still leaves it to the discretion of the judge to award either form of imprisonment, but it is distinctly stated that this will be only provisionally, and that the enactment of this law will imply a determination to begin at once the building of all prisons with a view to an absolute application of the system. To effect this there will still have to be constructed two great cellular prisons of 200 to 220 cells, and a certain number of cells (say 300) in the different chief towns of the arrondissements. When these shall have been erected, the measure will be fully carried out, and the cellular system be applied to all persons sentenced to imprisonment in a house of correction, with the exception only of those unfitted for cellular separation by age or by their physical or mental condition.

This measure does not include prisoners condemned to reclusion, and the question of the application of a progressive system to this class has been reserved, and cannot properly be decided before the penal system, adopted by the commission for the preparation of a new penal code, is known. But if the proposition of our minister of justice is adopted by our legislature, an important step will have been taken in the direction indicated by the Juridical Association, while at the same time a general application of the cellular system to all our misdemeanants will enable us to judge more fully of its merits than is now possible. Whether it will be adopted cannot yet be foretold, as our present condition with regard to internal politics is such, that a change of ministry may occur at

any moment and set aside the proposition for a time. Still, I am of the opinion that its failure will not be the result of a disagreement on the main principle, which will not, I think, meet with serious opposition, but will ultimately prevail.

7. MEMORANDUM ON THE PRISON QUESTION IN GERMANY.

By Baron FRANZ VON HOLTZENDORFF, Professor of International and Criminal Law in the University of Munich, and Editor of a Journal of Jurisprudence and Prison Discipline.

You have expressed a wish for a report on the results of the International Prison Congress, and its influence on German prison matters. You certainly were not mistaken when supposing me ready to comply with your desire. Still, I am entirely unable to afford such information as would be sufficient to make up a satisfactory report. The fact is, that in Germany prison discipline has remained very much at the same point where it was at the date of the Prison Congress. Hence, I must refer you to the information which was embodied in the volume of transactions of that Congress. Two reasons may be adduced to account for the stationary character of our prison discipline.

First. No direct recommendations were made by the Prison Congress. Hence, the impression prevailed amongst those that had not been present in London, that the Congress was itself unable to arrive at any definite conclusions. Careful readers of the proceedings cannot fail to perceive that those opinions, which you and I hold in common, and more especially our views with regard to the preference to be awarded to the progressive system, were in fact the prevalent opinion of the Congress. Yet the interpretation to which the Congress has been subjected amongst the representatives of continental jurists, was rather in the direction of a belief that it did not feel quite sure as to the superiority of any definitive system. As to Germany, our legal principles and administrative traditions are strongly in harmony with what the majority of the Congress considered the best system of prison reform.

Second. It is a matter of serious difficulty and requiring hard work, to bring about that *uniformity* in German prison discipline, which has been considered as a necessary complement to the unity of our German penal code. The state governments and the *Reichstag* are agreed on the necessity of consolidating and revising the rules, to which prison discipline remains subject in the individual states of the confederation. Still, you may easily imagine how difficult it will be to accomplish such a work, when you reflect on the analo-

gous task of devising a common rule of uniform administration for all the state and county prisons throughout the whole territory of the United States. In anticipation, however, of such an end as the completion of the German criminal code by means of *uniform* prison legislation, the present state governments, naturally enough, do not feel much inclined to alter any arrangement now in existence; else it might happen that prison organization would very soon feel the bad consequences of sudden changes and doubtful experiments.

At all events, there is no diversity of opinion as to the fact that the International Prison Congress must be considered as a source of information, almost unsurpassed in extent and value. The German press was unanimous in recognizing this particular importance of the Congress, and it is superfluous again to congratulate its author upon its moral success.

Finally, I have to complain that Germany will be, for some time to come, prevented from pursuing her course of peaceful reform by those disturbances which have been inflicted upon her by the warfare of ultramontaniam against the empire.

8. THE PRISON QUESTION IN RUSSIA.

By Count W. SOLLOKHUB, President of the Imperial Penitentiary Commission, charged with the Duty of devising a new Prison System for the Empire.

You ask me what we have new in connection with prisons in Russia since the Congress of London. I am not a little embarrassed as regards the answer to be given to that question. Great legislative reforms are slow of accomplishment everywhere; and with us the preparatory studies are difficult, owing to the small number of specialists and the large number of those who have advice to offer without the knowledge necessary to give value to their counsels. At London, I submitted to the Congress the bases of the scheme of penitentiary reform as prepared by the Imperial Commission, of which I was president. On my return from London the commission resumed its labors. It inspected the prisons of ten provinces, devised new plans, and presented a definitive scheme for penitentiary reform. The examination of this scheme has been confided by the emperor to a committee, presided over by M. Zourboff, a member of the council of the empire. This committee, of which I am a member, is actively engaged in the discharge of its duties. It has accepted the bases of the new penitentiary system proposed by the Imperial Commission, has modified some of its details, and has submitted to the council of the empire, our legislative body, the proposition to establish, as a point of departure, a central administration under the ministry of justice. This proposition has not yet been discussed. It has both its adherents and its opponents. In any case, it would not be in itself a reform, but rather the preface to a reform.

Such is the present state of the prison question in Russia. While we wait, there will be opened next fall a beautiful prison adjacent to the court of assizes of St. Petersburg. Its is designed exclusively for prisoners under preliminary detention, and will have, for principle, the complete separation of some, and the associated régime for others. This establishment has been prepared by the ministry of the interior, which still has its heavy hand on our prisons. Its rules and regulations have been prepared without consulting the commission or the committee, and, as far as I am concerned, I have no responsibility in regard to it. Although many of its details do not accord with my convictions, I can say that it will be a beautiful structure and a useful institution.

9. THE PRISON QUESTION IN NEW ZEALAND.

By JAMES CALDWELL, Governor of the Gaol of Dunedin, Otago.

I exceedingly regret that my duties will render it impossible for me to give you any general information relative to the gaols in this colony. I can only give a paragraph or two concerning that under my immediate administration.

Industrial labor is well organized in this gaol, and not only meets all current expenses, but yields an actual profit. The figures show results here which are extremely satisfactory. In 1872 the earnings from prison labor were \$32,455,* and the expenditures for all purposes, \$29,305, leaving a balance to the benefit of the government of \$3,150. The financial results for 1873 were not quite so favorable, but still they gave a net profit of \$790.

The labor of prisoners has been recently utilized in what may be considered a novel way. A gang of twenty-three men and officers have been sent to Port Chalmers every morning by train, returning the same evening. They have been engaged in forming a road from Port Chalmers to Carey's and Deborah Bay along the sea beach, and have some difficult work to perform in blasting, cutting rock, etc. The further development of the railway system may enable the gaol to undertake, at greater distance from Dunedin, useful works, such as the prisoners are now accomplishing beyond Port Chalmers. I am not aware whether in any gaol this experiment of forwarding prisoners by train to execute works has been tried. As the government will have the sole control of the railways, and arrangements can thereby be made for cheap carriage, there will always be found, should this experiment succeed, ample employment for prisoners in out-door work, and the objection made in the New Zealand Commissioner's Report to prisoners working in the public streets of a town would be thereby obviated. So far as the experiment has been tried, no difficulty has been experienced in carrying it out; and I hope, when the railways are opened for traffic north and south of Dunedin, to see the plan further and more extensively carried out. I may be permitted to state my opinion, that on the completion of

* English currency has here been converted into American.

this road, connecting the port with the fertile districts of Deborah and Carey's Bay, etc., the interests of the community will be largely promoted, having in view the facilities for settlement which exist, and which will be further extended as the road progresses. I know of no work, the execution of which will tend more to effect the object which the government have contemplated under the Public Works Act. To use the picturesque language of Lord Erskine in his noblest oration: "The restless foot of English adventure is unceasingly encroaching on so many deserts, and the tried virtue of the English character is converting them into flourishing abodes of civilized life."

The question of a special or professional education of prison officers was discussed at the late World's Congress for Prison Reform at London. My experience and reflection lead me to favor that idea very decidedly. A gaol may be likened to a hospital, filled with the victims of disease, sent there to be cured. Surely none but qualified officers should be placed in charge of such an establishment. Men designed for all other skilled pursuits—the lawyer, the preacher, the doctor, the engineer, the merchant, the artisan, etc.—must have a training which will fit each for his own special business. Prison officers need equally a special education for their work. Special training schools should be instituted for them, and prison administration should be raised to the dignity of a profession. Thus alone can the details of gaol discipline be gradually perfected, and uniformity in its application attained; for only when the administration of public punishment is made a profession, will it become scientific, uniform and successful.

There is another idea on this subject which strikes me as both important and practical. The experience of every year strengthens me in the opinion that a badly paid staff of officers is in the end the most expensive to the government, and that to no class of men is this more applicable than gaol officers, as their duties require special aptitude and close, unremitting application—qualities not likely to be found in ill-remunerated men, who accept office to provide for immediate necessity, and abandon an ill-requited situation on the first opportunity. And to prevent the officers leaving as they do at present, whenever opportunity serves, there ought to be a graduated increase of pay, and something held out to them like a moderate provision for their old age, when they should have devoted a certain number of years to their arduous service.

10. THE PRISON QUESTION IN VICTORIA.

By DAVID BLAIR, Esq., Melbourne, Australia.

The few sentences below, conveying the pleasing information that crime is fast growing less in the British colony of Victoria, Australia, through the wisely-organized and efficiently-administered prison system recently introduced there, are from a letter addressed to the secretary some months ago. The letter was written on another subject and for another purpose, and these statements were merely incidental, which accounts for their extreme brevity. The prison system in force in Victoria is that known as the Crofton system, in the forming and introducing of which Mr. Blair took a leading part. It has been in operation only three or four years; yet its effect for good is already marked and conspicuous, as these brief sentences clearly show.

I forward with this the report of our inspector-general of prisons and reformatories for last year. The gratifying fact is that here, in Victoria, serious crime is rapidly diminishing, while population is largely increasing. Our government, also, are always ready to adopt practical suggestions as to the improved discipline and management of the gaols and prison—for Pentridge is our only prison, and that is growing too large for its decreasing population. All this is very cheering to us, and will no doubt give you satisfaction, as proving once more, that work done for God and humanity brings good results in unexpected ways and in unlooked-for quarters.

11. INDIAN PRISONS.

By C. SABAPATHI IYAH, Madras.

A paper of much interest, as containing a large amount of information relating to the prisons, prison system, and prison discipline of the British possessions in the East Indies, was submitted last fall to the British Social Science Association by Mr. Iyah. Some extracts from this paper are given below.

The subject of the right management of gaols is one of paramount importance, as regards society in general, and the persons and souls of those concerned in particular. Neglect in doing the utmost we can to make our gaols good, is a grave sin against religion and humanity. We have to view this not as a negative virtue, but as a positive duty. The very moment we take charge of the person of a human being, there devolves upon us the serious responsibility of attending to his soul. The system, therefore, in every gaol has necessarily to be two-fold in its nature—*penal* and *reformatory*.

In the whole of India* there are 187 gaols. These contained in 1872, altogether, a population of 183,403 prisoners, and cost the nation that year 3,313,409 rupees, or £331,340. Besides these 187 principal gaols, there is a great number of sub-gaols and lock-ups, containing perhaps a much larger number of prisoners under trial, and those sentenced to periods of imprisonment of less duration than one month. I do not in the least pretend to possess personal experience of the system of all and each of the gaols in our extensive empire. My knowledge extends only to a part, and that a small part, of the system. I have visited a number of gaols in the Presidency of Madras and in the Province of Mysore. I am connected with the country more than with the cities. But one thing I can assure you, that most of my remarks will apply to all the gaols in the empire.

I propose to give you first an idea of prison life in India. The moment a native of India is sentenced to rigorous imprisonment, he is, even in the very presence of the judge, manacled, led away to the gaol where he is put in chains and a slight uniform, and delivered over to the gaoler. The gaol is a high-walled building, with an open space in which to muster convicts morning and evening; a number of cells or wards, each to accommodate during the night

fifty, sixty, or seventy convicts ; a hospital ; some few sheds or verandahs, where manufactures are carried on ; some three or four solitary cells ; and a kitchen. At or near the entrance you will generally find the gaoler's house. The whole control is vested in the hands of a superintendent, who is in ninety-nine cases out of a hundred the European medical officer of the district, and draws a certain allowance or monthly salary for the office. This officer lives generally at some distance from the gaol, and holds other appointments besides. He is the surgeon in charge of the civil hospital of the district. He is the coroner of the whole district, and has to conduct all the *post-mortem* examinations. He is a working member of the municipal commission, the head of the vaccination department of the district, the reporter and registrar of the temperature, and a host of other things, besides being the private physician of all the important personages in the neighborhood. You cannot conceive how many returns he has to send, and how very much he is engaged ; consequently, however good and able he may be, he cannot spare more than half an hour, or an hour at the utmost, in the morning, for the gaol. During this hour he has barely time to affix his signature to the papers placed before him, and to pass through the hospital, making a general inquiry as to how everything and everybody is doing. Thus, therefore, the whole duty and responsibility fall upon the next officer, the gaoler, who gets a salary ranging from £4 10s. to £7 10s. per month. He is generally selected from the staff of pensioned sergeants of some European infantry regiment,—very often old, illiterate, and sometimes a little too fond of drink. Such an ill-paid and ill-selected official cannot certainly be expected to possess any very high notions of moral and spiritual responsibility. His next subordinate is the deputy-gaoler, drawing a salary from 30s. to 50s. per month. This man is generally selected from out of the ranks, always a Hindu or Mahomedan, with little or no knowledge of English. The rest of the establishment is made up of turnkeys and warders, who get between 10s. and 14s. a month. As soon as the criminal enters this institution, he commences with a routine of work, which is extra-mural or inter-mural. The former is labor in public streets or roads, as a scavenger or road-maker ; sometimes upon irrigational works ; and oftener, and worse than all, on contracts to private parties. The convict is turned out at about 7 A. M. or earlier, and taken back by 4 P. M. By half-past five he is locked up in a cell, in the company of half a hundred or more of criminals, in total darkness, to be let out again after twelve hours stay there. Here

are collected murderers, robbers, thugs, farmers—the latter sentenced perhaps for riots and breach of peace—and all sorts of characters. Here the desperado exultingly relates to an admiring audience his bold feats and narrow escapes. It is here the beginner in crime gets an impression which hardens his heart, and makes him set at defiance law and justice, rendering him the devoted follower of the demon all his life, and here the juvenile and the beginner get their first lessons. And worse than all, you find in one cell, in the same gaol, all the female prisoners of all characters and ages, with none but men warders guarding and waiting upon them. Does not all this sound shocking to your ears? Do you not shudder at the very idea that all that immense host of human beings, converted into so many demons, should be turned out upon the world, a curse to society, unable, if even willing, to earn the ordinary means of honest livelihood? There is no poetry here, no play of imagination—but naked facts, which stare us in the face. These are but results that must inevitably follow imprisonment in such gaols. Let me now briefly sum up the various defects patent in the Indian gaols:

1. *Want of proper Accommodation.*—Each apartment contains during the night sixty or seventy prisoners, all sleeping on the ground side by side. That this is most objectionable, as being not only against all sanitary principles, but as being extremely demoralizing, no one can doubt. The chief objection the Indian government is said to have to altering this state of affairs is, that it would involve a very heavy outlay. This appears frivolous, for no nation should grudge to have its revenues spent to such an advantageous purpose. India's grief is not that the government is spending its revenues, but that it is squandering them largely in unnecessary and unproductive ways. Another and minor objection is, that the Hindus like the present mode of sleeping all together. Even admitting this as a fact, the British government cannot, under any circumstances, be justified in taking advantage of it, unless determined to keep its ignorant Indian subjects in this state of darkness and semi-barbarism forever. The imprisonment of civil debtors in the criminal gaols is a practice as wrong as it is universal in the Indian gaols. The incarceration of male and female prisoners in the same gaol, and the latter being attended to by male wardens, is an evil that is almost universal in Indian gaols. Every prison should be so built as to contain all the workshops and places for labor within its walls. It should be fitted up with all the necessary machinery and conveniences. School-rooms and prayer-halls should be added. And an

inclosed model farm of several acres of ground should be attached to gaols of the intermediate stage, where all the simple but improved methods of cultivation, including the manufacture of artificial manures, should be taught. This is exceedingly necessary, as any quantity of land could be obtained in India without purchase. It would not be expensive, as we find by statistics that two-thirds of the gaol population are agriculturists. If, further, the prisoner is offered the chance of earning and laying by a decent sum of money against the time of his discharge, would it be extravagant to hope for numerous reformations?

2. *Defective Organization of the Gaol Establishments.*—Each prison should be under a well-paid and efficient governor, living on the premises, and devoting all his attention and time to those under his charge. He should be held responsible for the maintenance of order and discipline, and for the moral and physical training of all the convicts. A competent subordinate staff should be employed; and professional instructors and superintendents in each branch of labor should be found. Above all, a sufficient staff of educational instructors should be carefully selected, a part of whose duty should be to lecture occasionally upon moral subjects, and to conduct general prayers.

3. *The non-introduction of Moral Training* is another of the crying evils in the Indian gaols. It is proverbial in India that one night's stay in a gaol is sufficient to make the most innocent adepts in crime. The very atmosphere of an Indian gaol is contaminating. This is to be accounted for chiefly by the entire absence of educational and religious instruction. That these two agencies, rightly used, will often produce reformation in the worst cases, has been shown, beyond all doubt, in this kingdom, by the introduction of the admirable prison system, known as the Crofton system. Why a similar system, though perhaps a little modified, should not be established in India, I cannot see.

4. *Want of proper Instruction in the way of Useful and Industrial Arts.*—The present system of gaol labor, when examined, comes to this—how much of expenditure can be saved by convict labor, irrespective of the question how far it will advantage the convict's future. Stone-breaking and road-making in public streets cannot certainly benefit him very much. He is worked from sunrise to sunset in chains, without any system, and at the whim of the gaolers. I quite think that the labor should be somewhat penal; but I urge that it must be so with due consideration to its being in every way

beneficial. The convicts ought to be thoroughly made aware that much depends upon themselves, and that they can work their way even to an early liberation. With the Crofton convict system carried out in its integrity, in the first place by the classification of gaols, and then by proper superintendence and instruction, with the use and aid of proper machinery and implements, our gaols would no longer be as discreditable as they are, nor would they cost the nation anything like the sum they do at present.

5. *And lastly, a most culpable Neglect of Juvenile Offenders.*—This fact is admitted to be so in all the reports of the country. At present, magistrates and judges, aware of the want of proper reformatories, sentence the juveniles in the majority of cases to whipping. This, inflicted with a cane, is as soon forgotten as over. Large reformatories—one or more in each presidency—ought to be established, where all the children sentenced should be sent to receive a good and practical course of instruction. The laws of the country should be very much amended in this respect, and the magistrates and judges authorized to commit the offenders summarily to these institutions for long terms of imprisonment. An infinite deal of misery, beggary and crime may be averted by the introduction of these salutary measures.

These are some of the most serious defects in the Indian gaol administration; and you will, I hope, concur with me in thinking that there is nothing in them that cannot be remedied. I at first intended to lay before you statistical statements to show how thoughtlessly large sums of money are spent in India, and how, with economy and good management, these very sums may be made to bear good results; but fearing that I would thereby make myself too tedious, I refrained from doing so. I beg, however, to call your attention to the fact that in the penitentiary at Madras, which is under an independent superintendent, and where no extra-mural labor is permitted, the average earnings of each convict has been 202 rupees per annum against 35 rupees per capita earned by the country prisoner, who is not under a district superintendent, and who is sent out for extra-mural labor. If a proper remodeling of the prison system should be made and vigorously carried out, the advantages to the country would be immense; every step of progress made by the lower classes of society would be of the greatest benefit to the nation.

12. PRISONS AND PRISON DISCIPLINE IN SPAIN.

By DON PEDRO ARMINGOL Y CORNET, Doctor of Laws, etc., etc., etc., Spain.

The distinguished counsellor and jurist, Don Pedro Armingol y Cornet, of Barcelona, has recently published a volume under the title of "Penitentiary Studies"—one of the numerous treatises on the penitentiary question which have been issued from the press of the civilized world since, and in part at least as the result of the International Penitentiary Congress of London, in 1872. The work is mainly devoted to a discussion of the question of *récidive*, or relapse. In the second chapter, which treats of the causes of *récidive*, the learned author enters into an extended review of the penitentiary establishments of Spain, whose condition and discipline he criticises with sharp but candid severity. He does not hesitate to place the prisons themselves among the most prolific causes of relapse, or a return to crime, after criminals have been within the grasp of the law for a first offense. The following translation of a few paragraphs of this chapter will give some idea of the present state of the prison question in the Spanish republic.

The question arises, who is chiefly responsible for fresh offenses committed after liberation—society, the administration, or the prisoner? In the generality of cases, and as a rule to which there are few exceptions—given the state of things as it now exists in our country, given the aggregations of criminals abandoned to a life of idleness which in Spain are called prisons, I do not hesitate to lay the direct and immediate responsibility at the door of the administration. Consider for a moment that the want of a scientific, well-regulated, and skillfully-applied system of prison discipline, the want of adequate qualifications in the heads of our penitentiary establishments, the dead letter of the statute, and its interpretation according to the whim of the direction, that is, the governors of the prisons ;—all this produces in the prisons of all classes (but practically, with the exception of Africa, they are all of the same) those bloody conflicts which render applicable the text of the second chapter of the penal code now under consideration. The homicides and injuries inflicted on the persons of convicts, the assaults upon officers, the escapes and desertions, with ever new and aggravated circumstances, the blood shed a hundred times in the prisons of Valencia, Barcelona, Tarragona, Valladolid, and Santoña, and in almost all the other prisons—do not these things proclaim, with the utmost emphasis, that proper vigilance and care are not practised, that intercourse with people outside is permitted, and that there are in the prisons

no rules, no government, no anything? For this disorder and these disturbances the administration is responsible; and since this is so, to what is due the special gravity of these relapses? In my practice in the court of appeals at Barcelona, and because I was obliged to become acquainted with the offenses committed within the prison San Pedro, while it existed in this capital, I have not seen a single case, among ten or twelve homicides or personal injuries in which I have been counsel, where the origin of the evil has not been in the administration—not the local, but the general administration—not from the character of the officials, but from the lack of system which makes such disorders possible. My relations with Señor Fernandez Campa and Señor Canalejas, governors of the prison, who possess rare personal aptitudes for such a position, have confirmed me in this opinion.

On writing the caption of this chapter,—“Causes of Relapse”—I seem to be in the condition of the surgeon who, disregarding the groans and cries of the patient, proceeds calmly in his operation, that he may save the life of the sick man. In inquiring into the causes of relapse, I am obliged to expose the real condition of Spain as regards her penitentiary administration, without regard to the unfavorable impressions that may be thereby produced in whatever quarter, leaving out of view the mortification caused by our social retrogression, and saying all which, in my opinion, may or ought to be said, with a view to discover, ultimately, the means of putting a stop to the progress of this real cancer of individual security and public order.

In this study it is above all things necessary to fix the attention upon the manner in which the penalties imposed by the courts are executed; and, save some slight modifications resulting from the customs of different localities, the course of things is substantially as follows: The prisoner enters the establishment, and after certain official ceremonies have been gone through with, he is sent at once to the common prison yard, where he undergoes rapid but searching inspection of his bearing, air, and features, on the part of his companions in misfortune. For a time the new comer maintains a certain reserve, as if desirous of selecting his future confidant, but in a few days—rarely extending to an entire week—he is made thoroughly acquainted with the antecedents of his comrades, and knows whether or no the governor is ill-natured; whether the whippings are frequent; whether any one, and who, is charged with messages for outside; in a word, within eight days, he is master of the situation,

knows in whose presence he ought to be reticent, to whom he should make himself serviceable, with whom he should pass his hours of rest ; in short, he has already completed his novitiate. On the other hand, his comrades have read him through and through, and know whether he is an imbecile, whether he is a master, whether he is a man of deeds, whether he can be trusted, etc., etc. There he is to undergo his punishment. There he is to pass his days in idleness and his nights in murky dormitories, where the negative conditions of health go hand in hand with the negatives of morality and decency. There he is to pass months and years, without learning anything that does not imply a menace to society, anything that does not change him from bad to worse. There he learns the practical part of the tricks and devices into which he was theoretically initiated in the detention prison, while the case was in progress. There, between the neglect of the administration, the shamelessness and cynicism with which he has become habituated to sweep the streets or labor in view of the public, and the prejudice felt by the whole world against him, this prisoner, by the day in which he regains his freedom, has learned how hollow, how worthy of scorn and derision, are those adjectives—"moralizing" and "reformatory"—which are applied to the penalties established by the criminal code.

It is true that there are, in the penal establishments, workshops, trades, schools, religious service (but this is now abolished out of respect to the principle of tolerance !), reviews of cleanliness, etc., etc. But neither do the workshops receive all the prisoners, nor are there wanting in them grave abuses, prejudicial both to the state and the convicts. The schools yield no results whatever ; the religious service is restricted to the narrowest limits possible ; and the reviews are very far from what they should be. All there is perfunctory, all is routine, apart from the grave blunder of investing with a baton certain convicts who exercise a degree of authority, which is ill employed for the most part, a mere pretext for reprehensible abuses and traffickings ; of placing in the offices convicts of certain classes ; and of the permissions granted to others to sally forth and spend hours—sometimes entire days—outside of the prison. Indeed, it may be said of this branch of the public service truly and in the fullest acceptation of the words : There is nothing in it which is not detestable ; nothing that is not inadmissible ; nothing that is not deserving of reprobation. And so we have gone on, for years and more years, from bad to worse, deaf to the appeals of

skilful and capable prison governors, who have given their assent to denunciations, sometimes anonymous, sometimes confirmed by the prisoners themselves. We have delivered up this branch of the public service, in itself so delicate and difficult, to the devouring jaws of that wild beast called politics. Changes and more changes, incessant transfers of governors, deputy governors, and other employés; that is to say, we have absolutely established the very conditions which will prevent the chiefs from making a study of the prison which they have to govern, and of the individual characters of the prisoners; and the phrase "*indispensable reforms and modifications*" has been the watchword for decreeing the transfer or removal of the very person who has employed it. These are the conditions under which the convict has to pass through his punishment. Can he possibly carry away from the prison any profitable memory?

Let us now hear a witness to whom no exception can be taken. Don José Maria Canalejas, disappointed and grieved at his ill success as a prison governor, in a pamphlet entitled "Penitentiary Questions," says: "Even to-day our prisons, with some exceptions, thanks to having dislodged the convents in 1836, preserve an exterior which strikes the beholder with terror. One sees in them, for sleeping rooms, only dismal holes, filthy dungeons, with instruments of torture and degradation, not at all needed for the security of the prisoner, and courts in which are mingled together, if they are poor, the innocent and the guilty of all ages and conditions, with no more regimen than that of the signals to leave and enter the dungeons and for presence in the mess-room. Ah! if the guardians of society did but know the associations of those prison yards!"

Let it be remembered that Señor Canalejas had been governor of different prisons in Spain, and that, owing to his special familiarity with penitentiary studies, the government had named him as commissioner to visit and inspect all the prisons of Spain, and after seven months of journeyings and observations, when he was about to give form to the memoir that would constitute the fruit of his labor, he received the order to discontinue his work. Señor Canalejas, who has devoted hours and years to the practice and study of penitentiary science, is undoubtedly the most competent authority on this subject.

In another work, subsequently issued from the press, when he had charge of the house of correction in Barcelona, he said: "The repressive system of Spain is one of the foci of immorality most fetid and contagious. To-day the prisons of Spain are converted

into houses of detention at once for the arrested and indicted, for boys and adults, for young girls and women of all conditions. To describe the whole foul and horrible interior of the prisons is a labor above the powers of the writer of this book. Those who are familiar with the descriptions of the fortress of Ham in France, will have an idea of the greater part of the prisons of Spain. Their courts are not sufficient to preserve from contagion children of the most tender years; nor is the separation of sexes and ages all that is to be desired. The minimum of time that boys remain in prison for offenses common to their age, and committed from want of education and proper training, is three months. These three months, passed in the courts of the prison, are more than sufficient for the teachers of crime to get possession of the head and heart of the youth, and to start him on the fatal path of perdition. The daily communications with the outer world by means of the windows are far too free, and they facilitate combinations between the rogues without and the rogues within for the commission of illegal acts. Thither resort the prostitutes and receivers of stolen goods to plot fresh crimes, and arrange the mode of escaping detection and punishment." It is impossible to convey, within the same compass, more truth, with greater point in the expression. This is the sad reality of what constitutes our repressive system.

It is but recently that another competent witness in this matter, Don Concepcion Arenal de Garcia Carrasco, wrote these lines: "What is the condition of Spain, judged by its prisons? Sad indeed. The kind of offenses committed proves the rudeness of our manners; our ignorance is an occasion of grief; and our prison discipline proves our forgetfulness of interest, of duty, and of shame. But is this discipline in accord with our social state? No, everything else has improved; everything has made progress; in everything we have sought to imitate what is done in countries more advanced. Our penal establishments alone remain as they were, centres and sources of wickedness, serving only to quench all good feelings, and to give life and vigor to those which are evil. I do not propose to enter into detail on the abuses which have been committed in our prisons, on the horrors which have passed there, on that mixture of license and cruelty which has marked their administration. We might say with truth more than we should be able to prove, and, as those are aware who know anything on this matter, it is precisely what we should desire to conceal."

If, then, the detention prisons suffer from the negative conditions of

morality existing in them, what can we hope for prisoners who return to society after having undergone a term of sentence in one of our penal establishments? With what idea of punishment will a sentenced person go there to expiate the penalty of the law? In answer to the first of these questions I can cite an illustrative case, which has impressed itself strongly upon my mind. While I was in active practice as an advocate, I was called upon to defend a disgraced mother of a family, who had been charged with complicity in the making of counterfeit coin. Her two sons having been abandoned to the care of friends, the elder of them, then twelve years old, was arrested for the theft of some handkerchiefs, and was forgiven. Shortly afterwards I became assistant reporter in the Barcelona Court of Appeals, and in the twelve years of my service there, I have recorded seven distinct cases against the same youth, some for theft, others for robbery; and scarcely has he served out one sentence before he falls again. This disgraced young man is destined to end his days in a prison, or under circumstances still more dishonorable. The younger brother has followed an opposite course of conduct, and I do not hesitate to affirm that the first sojourn of the elder in the prison tore from that tender heart the good seed that had been sown there, the same that has borne such excellent fruit in his brother.

The internal organization of our prisons in Spain is such, that no description can give an exact or adequate idea of their condition. There is no distinction in them of classes, groups, or ages. Persons undergoing a life sentence are side by side with those who have been sentenced merely to a correctional punishment of a few days; and the punishments of temporary and perpetual reclusion are practically reduced to the same thing. Here the disorder begins, there being no place in which the reclusionaries can be confined apart; and this alone is sufficient to show that the professional and more hardened criminal is mingled with the honored citizen who has transgressed under a sudden surprise of passion, and youths of eighteen to twenty years with men who have passed their life in going from one prison to another. Can any condition of things be imagined more opposed to the reform of a convict? Can there be any thing more worthy the condemnation of honorable men? Well, this is the state we have been in for years and more years; nor is this even all.

In our penal establishments we have departed from the principles which alone can render them profitable to the state by expending upon them as little as possible, when such expenses are not covered by the product of their labor. To this unwise economy it is owing that,

in the greater part of these prisons, the work-shops are of the smallest dimensions, and large gangs of prisoners pass the day in idleness, forming circles, singing, playing, or, what is worse, contriving new crimes, the different court-yards maintaining relations with each other, and availing themselves of the aid of certain messengers who convey back and forth, between the prison and the outside world, all sorts of notices, messages, commissions, etc., to the grave injury of the discipline and the graver peril of the prisoners. What is the explanation of the profusion of knives, poniards, files, and other tools of that sort, adapted to facilitate escape or homicide, which are too often found in the possession of the prisoners? From within the prison are sent mysterious cards in cipher, the origin of new crimes. Thence are sent menaces to the witness who has testified against the criminal, and insults to the judge who has pronounced the sentence. There vengeance is threatened for the day of liberation. There, in short, the least possible effort is put forth to regenerate and reform the prisoner. What result can such a system yield, except to give a fresh impulse to the course of crime, and facilitate a return to it after the first conviction and punishment? But this even is not all.

Instability of administration cannot fail to produce its effects in the penal establishments. Few criminals complete their punishment in a single establishment. For the most part—sometimes on pretense of the public good, sometimes on the ground of discontinuing a prison, sometimes on account of a change of category, and sometimes for other reasons—there is a constant removal of prisoners from one penal establishment to another. I have read prison registers in which more than three pages were filled with the transfers of prisoners having sentences of eight to ten years' duration. Now what is the effect of this, and on what principle is the usage based? Of necessity, the *morale* of the prisoner suffers a fresh shock at each removal; every transfer implies a variety of judicial proceedings, giving occasion to frequent escapes, to *chaces*, superabundantly repeated, to a continual movement of the civil guard from one post to another, as convoy. All this cannot fail to be injurious to the discipline of penal establishments, especially in this country, where every director of a prison understands the law after his own fashion and has his special usage and mode of treating prisoners, and where, also, as in most other branches of the public administration, each chief interprets the law in his own way. It is impossible, absolutely impossible, that a prisoner, who has been repeatedly

changed from prison to prison, however good his will or sincere his purpose, can accomplish his reformation ; because each transfer implies new lessons, new confidences, new rehearsals of criminal exploits ; and if there is nothing to prevent the fatal influence of a bad man at one's side, there is nothing that can keep that evil influence from multiplying itself a hundred fold, when companions and companionship are often changed ; but this remains ever perverted—those always depraved.

* * * * *

It has become a customary and oft-repeated expression, first graphically employed by one of the most distinguished men of our age, "*Spain is a prison turned loose.*" This is true. As the result of amnesties, exemptions, commutations, and pardons, the population of the prisons has been dispersed throughout the entire Spanish territory, and it would seem to be a constant monomania in this country, that all political crises should be celebrated with a general jubilee in favor of those who have broken the law ; and this is an evil so much a matter-of-course, so rooted in our manners, and is considered by the prisoners themselves as so indispensable in every political change, that it causes no surprise to read in a weekly periodical of Toledo, entitled "*La Cueva de Marat,*" the following paragraph : "The editor of this journal prays the executive power that, in concurrence with the constituent assembly, it grant a general pardon to the prisoners now in our penitentiary establishments, solemnizing by this act of grace the opening of the constituent cortes, which is to vote the federal republic."

The illustrious Bonneville has said with much good sense : "The abuse of the right of pardon is evidently opposed to every system of justice and expiation." Filangieri, Bentham, Beccaria, and others have protested against the right of pardon, and if they had been able to examine the degree of abuse which it has reached in Spain, more energetic would have been their attacks upon this power, which, wisely exercised, rightly directed, is a necessary aid to human justice, since the law is imperfect and the judgment of courts not infallible. These pardons, so frequent and so extensive, these amnesties, so lavishly used, increase more and more with the innumerable special acts of executive clemency directly solicited from the head of the state by individual prisoners, and recommended by the courts. Even those least versed in penitentiary studies must comprehend the whole extent of the mischief caused by this generosity, which is as unreflecting as it is ill directed. When

goodness is no longer a source of benefit, but rather a fountain of evil, it is then rightly named imbecility.*

* However sad the state of prison discipline in Spain, as set forth in this paper may be, there is yet hope of ultimate reform, so long as that country contains such citizens and such writers as Don Pedro Armingol y Cornet.

13. AUSTRALIAN PRISONS.

By Miss FLORENCE HILL, England.

Miss Florence Hill, daughter of the late distinguished Recorder of Birmingham, Matthew Davenport Hill, Esq., accompanied by her sister, Miss Rosamond Hill, visited Australia in 1872. where the two sisters passed nearly two years, during which they availed themselves of the opportunity of visiting a number of penitentiary establishments in the English colonies found in that part of the world. Prior to her departure from England, I requested Miss Hill to favor me with some account of her observations among the prisons of that far-off region. Learning of her recent return, I was naturally anxious to obtain her promised report in time for publication in the present volume, and, in kind compliance with my desire, she hastened the preparation of it at an earlier date than she had intended, and, as will be seen by her letter accompanying the document, before all the material necessary for the perfecting of it had reached England. The letter here referred to is in the following words :

"DEAR DR. WINES : I inclose the report you did me the honor to ask me to prepare upon the Australian prisons which I visited during my recent tour. I did not go to Tasmania, but my sister Rosamond spent a short time there, and sends an account of the two prisons she was able to visit during her brief stay. There are others in the island, including a very large gaol at Port Arthur, built many years ago for the reception of imperial convicts, and where about a hundred and fifty of this class still remain, their sentences not having yet expired. As you are aware, however, transportation from the mother country has happily ceased, and soon penal establishments in Tasmania will be needed only for local offenders, whose numbers, we may hope, will be very small. I regret that my report contains very scanty statistical information. The public documents which would have furnished it were amply supplied to me by the authorities in Australia, but having been dispatched thence by the long sea route, they have not arrived in time for me to avail myself of them."

a. GAOLS IN VICTORIA.

In the colony of Victoria there are ten ordinary gaols—one at Melbourne and the rest in the provinces—and three penal institutions ; all of these latter, however, constituting but one penal establishment. In this, male convicts—men sentenced to penal servitude—alone are received. The period of their detention is divided into six stages in an upward progress, attainable by marks. The first four stages are passed in divisions A, B, and C. of Pentridge gaol, the fifth in two hulks moored off Williamstown, four miles from Melbourne, and the sixth in a house (which is not strictly a prison) at Williamstown ; the men in both the latter stages being employed on public works.

I visited the gaol at Pentridge, six miles from Melbourne, on Dec. 18th, 1873. Order and cleanliness prevailed throughout. It is airy

and commodious, containing 600 cells, never occupied by more than one man each, distributed in three distinct buildings, designated divisions A, B, and C. These, besides the residence of the Inspector General of prisons (Mr. George Oliphant Duncan), are the officers' quarters, the infirmary, a shed for the more weakly prisoners to work in, etc., standing in a large space inclosed by a wall on which are look-outs, each occupied by a sentry with a loaded gun. Between this and an outer wall are seventeen acres of kind, cultivated by the prisoners, which produces all the vegetables they consume, except potatoes, and hay for the cows and horses of the establishment.

A complete mark system is in operation. A certain number of marks, estimated at nine *per diem* (three for labor, three for conduct at work, and three for general conduct) must be earned in each stage except the first, before promotion to a higher stage can be obtained; and all deficiency of marks in the first stage must be made up in the second. Bad conduct, of course, diminishes the number earned, while, on the other hand, twelve marks a day may be obtained by extra good conduct, except in the first stage, where only nine can be earned.

The number of marks earned procures, after a certain portion of the sentence has expired, a proportionate remission of the remainder. Marks also confer certain privileges, which are higher in character, the higher the stage attained. A gratuity in money, moreover, is allowed for every nine marks earned daily in the fourth, fifth, and sixth stages, at the rate of 1*d.*, 2*d.*, and 4*d.*, respectively, such allowances accumulating and being paid to the prisoner on discharge in a lump sum. Tobacco, tea and sugar are given to the men in the higher stages, and more especially an increase of personal liberty. Prisoners, however, are not eligible for the fifth and sixth stages, whose sentences do not exceed twelve months (they have not time to work up to them), or who have been re-convicted.

Prisoners in the first stage are lodged in division A, and only leave their cells for one hour's exercise daily, such exercise not commencing (except by medical order) until the third day of imprisonment. They have no work given them during the first month, but receive schooling and have the use of books and a slate. At the end of a month they are employed in pulling wool, platting straw, shoe-making, and clothes mending. The period passed in division A is usually from three to six months, but may be extended to nine by ill conduct.

In division B are the men who have reached the second stage.

They work in association and attend chapel, but eat in their cells. In the third and fourth stages, passed in division C, the men work and eat in association, and attend school and chapel. The fifth and sixth, or "intermediate" stages, are passed at Williamstown.

At Pentridge there are workshops for hatters, carpenters, tailors, shoemakers, matmakers, tinsmiths, ironfounders, wool combers, and weavers. In 1872, £6,644 was paid into the government treasury, which had been earned in cash by the men undergoing penal servitude, while the total value of their labor was estimated at £19,212; the average number of prisoners being 704. Their total cost was £30,179.

The trades' teachers are not prison officers, and do not live within the gaol.* Supervision by teachers or warders is not absolutely continuous; but there are certain points of observation whence the prisoners can be seen without their knowing it, so that they are ignorant, when the officers are absent, whether they are being watched or not.

The dress, except for the government brand P. † D., might pass for ordinary workmen's attire. It consists of colored shirt, white moleskin trousers, grey cloth jacket, neckerchief, cabbage tree hat, and a long, loose jacket of coarse white flannel for wet weather. In continuous rain, out-door work is stopped; in showery weather, the men take temporary shelter.

The bearing of the officers towards the prisoners was kindly, while the manner of the prisoners was respectful, without servility. They worked heartily, and their aspect generally was favorable.

The hours of labor are, I think, from seven to five, exclusive of dinner and schooling. The cells are lighted (with gas) till eight or nine P.M. (I forget which), and prisoners have the use of a slate and three books at a time, one religious, one educational, and one for recreation. School is attended during the heat of the day, but is discontinued as regards men employed in hard labor for the three winter months. There is a large library for the use of the prisoners, including the works of Dickens, Thackeray, Scott, Byron, etc., and theological books suited to Roman Catholics and Protestants, selected by their respective chaplains. There are always some Chinese among the prisoners. There are no Chinese books for them, but the prison rules are translated into their language. They attend, I was told, the Protestant form of worship. All prisoners are re-

* This seems a grave error in the organization of the system.

quired, on entrance, to declare their religion (they may declare themselves to be pagans if they like, but I believe they must attend some one of the forms of worship conducted in the gaol), and they are not allowed afterwards to change without the consent of the chaplain of the creed they desire to relinquish, and that of the one they wish to adopt. I suppose the difficulty, in the case of a man desiring to abandon paganism, of the non-existence of a pagan chaplain, would be met by the authorities. There are three chaplains of different faiths; but at the time of my visit there was no building appropriated solely to religious worship. One end of the dining hall was shut off, when required for the purpose. It was furnished with a harmonium, and a choir had been formed among the men.

The infirmary wards were airy and tolerably cheerful. Connected with them is a large verandah for the use of the patients, commanding a fine view. Absence from work entails loss of labor marks (though not necessarily those for good conduct), and there is very little malingering. The medical officer resides within the gaol inclosure.

There are two punishment cells which can be made perfectly dark, but they are rarely used, as detention in ordinary cells on bread and water diet, with loss of marks, is usually found a sufficient punishment. The sentries in the look-outs, however, have orders to fire on prisoners attempting to escape. Once beyond the prison walls, recapture, I was told, is difficult, so that strong measures have to be used to prevent the prisoners getting away. Nine penal servitude men absconded during 1872 (two while in the intermediate stage), of whom seven were recaptured.

The warders have a pleasant sitting-room, in which stands a beautiful piece of sculpture executed by a former prisoner, and there is a good library for their special use.

On Dec. 29th, 1873, I visited the two intermediate prisons at Wiliamtown.

I first went to the hulks. Formerly the men slept mostly in association, but each man has now, or soon will have, a cell to himself, nearly as large as the cabin for four persons on a first-class ocean steamer, and fairly well ventilated. The cells had no means of receiving artificial light at the time of my visit, but preparations to introduce it were being made,—a much needed addition, as the locking-up hour is six P.M., and very little daylight enters at any time. The men take their meals together.

The prisoners are employed in constructing breakwaters at the mouth of the Yarra, to deepen and regulate the channel. They quarry the stone on shore, about a quarter of a mile from the hulks, and bring it by a tramway to a little jetty, thence they convey it in boats to its appointed place. The men looked like ordinary laborers, nothing but the government brand on their clothes indicating that they were prisoners. The quarries are entirely unfenced, and the warders there carry loaded firearms.

No schooling is given to the men at Williamstown, but I think they have the use of a library.

From the hulks I went to the docks at Williamstown, to see the sixth stage men. From want of time I was not able to visit their house. They are employed, together with free laborers—though keeping somewhat apart—at contract work, and the contractor considered that the prisoners worked as well as the free men. They were engaged in levelling the ground, removing hills of soil, and filling up hollows with stones. The house in which they are lodged is not fitted up as a prison, but they cannot go in and out at will. This, however, I was informed, is to protect them from suspicion, if crimes are committed in the neighborhood, rather than from distrust of the men themselves.

Men in the fifth and sixth stages, who are not equal to hard labor, are employed in lighter work, but receive only half the amounts in gratuity the others obtain.

A Discharged Prisoners' Aid Society had been in existence some time; but there were no lady members, and it concerned itself only in helping men.

The system of prison discipline carried into effect at Pentridge and Williamstown appeared to me, in theory and practice, worthy of comparison even with that established and administered by Sir Walter Crofton, as I saw it in operation in Ireland in 1857. Its introduction and successful application are, I believe, largely due to the enlightened zeal of Mr. Duncan.

I visited Melbourne gaol, which stands in the outskirts of the city, on the 19th December, 1873. Here are congregated all the women sentenced to penal servitude in the whole colony, lads too old for a reformatory, several little children of female prisoners, men and women tried at Melbourne and sentenced for less than two years, prisoners awaiting trial under remand or in want of bail, and also insane, im-

becile, and destitute persons, committed that they may be taken care of and not yet transferred to the proper asylums, or for whom room therein cannot be found. For such a variety of inmates ample space for complete classification is of course of the first importance. Yet all these persons (more than 500, I believe, on the day of my visit) were brought together in a building with separate sleeping cells for only 212, the other inmates (chiefly women) being lodged frequently three in a cell, and over-crowded in the day wards also. Thus I saw destitute and imbecile women in the same yards with those under punishment, and penal servitude women employed in sewing (with the needle and with machines) mixed up with those sentenced for a month. Mr. Duncan, however, was fully aware of the short-comings of the prison, and hoped to procure important improvements.

The impossibility of duly classifying the prisoners prevents the mark system, in operation at Pentridge and Williamstown, being fully employed with the penal servitude women; nominally, however, and to a limited extent practically, they are under its regulations. There is no intermediate prison for them, and the money gratuities they can earn are fixed at half the amount of those obtainable by the men on hard labor.

Some of the women do the washing of the whole prison, and the best seemed to have been made of the limited space available for a laundry. The cooking is done wholly by men (those under short sentences, I believe), who bring the women's food into their wards. The hard labor men are employed in separate yards at stone-breaking; most of them were working well. The youths are also kept away from the rest. For these latter prisoners only is there any school instruction.

The gaol was very clean, and the infirmary arrangements were good. Indeed, throughout the building the best seemed to have been made of the wholly inadequate accommodation.

b. DARLINGHURST GAOL, SYDNEY, NEW SOUTH WALES.

New South Wales possesses about 30 prisons, great and small. There is one large gaol in Sydney, which receives prisoners of both sexes and of different categories, viz., 1, *labor-prisoners*—those, namely, under penal servitude, corresponding to *convicts* with us; 2, *confines*, who are under short sentences not involving hard labor; and also, 3, a few boys, some of whom are very young. They are, in a great measure, separated from the adults. The prison stands on a high,

open situation, in Darlinghurst, one of the fashionable quarters of the city, from which it takes its name. It has been built at various times, and not on a uniform design ; though more or less on the panoptical plan. The cleanliness and order of the gaol were excellent. It contained on the day of my visit, November 1st, 1873, about 500 prisoners ; much exceeding its number of separate cells, so that frequently three prisoners were placed in one cell. They sleep separately on wooden tressels, spread with a mattress. The inspector of prisons, Mr. Harold Maclean, is strongly impressed with the evil of such overcrowding, and hopes to get the gaol sufficiently enlarged to prevent it.

The prisoners eat and work in association. The "*confines*" do the work of the gaol, the *labor-prisoners* being wholly occupied in remunerative employments. For the women this consists in oakum-picking (2 lbs. being a day's task, I believe) and sewing ; the more skillful in fine work, the learners on slops and clothes for the children at Kandwick, a large school for the pauper class. Besides a portion engaged on alterations to the gaol, the male labor-prisoners work, in large airy shops, at a variety of trades, the chief of which is mat-making. They did not, it seemed to me, work with heartiness, the prison stroke, well known at home, being very perceptible here ; and the men were brought into such close contact by their occupation, that private conversation must be perfectly easy ; sometimes, too, no one but themselves is present. They are superintended by well paid trades teachers, who are not prison officers. The dress of the prisoners resembles that worn by ours at home, and perhaps to this fact may be partly attributed their having, to a certain extent, the aspect of our criminal class ; still the manly bearing and good countenances, common in the South Australian gaols, were not wholly absent here. The men are allowed to let their hair and moustache grow, when the end of their sentence approaches. There are six cells for prisoners condemned to death ; suggesting the awful frequency of capital punishment, provided for when the gaol was built. Executions (which take place within its walls) are now much diminished in number. Until the present system was inaugurated, in which Mr. Maclean has, to a certain extent, adopted the principles acted upon by Sir Walter Crofton, and has also removed the men undergoing the first and second stages of penal servitude to other gaols, insubordination prevailed to such an extent at Darlinghurst, that the governor could not reckon on his life from day to day, and it would have been unsafe, he said, to

bring the men out of their cells to receive schooling. School is attended now only in the day time, *i. e.* during working hours; and only those who cannot read and write, and of these only the young, amounting to about a quarter of the whole number of prisoners, receive any instruction. Female prisoners are taught by the school-master, but a female officer is always present. There is no Discharged Prisoners' Aid Society, but a few ladies visit the women and help in finding places for them when liberated. Mr. Maclean performs this part towards the men, but wishes for volunteer-help. He gives them a gratuity, when he considers it deserved and likely to be useful. There is some repugnance in New South Wales to ex-prisoners, but not enough to prevent their getting employment. A considerable proportion go to the diggings, whence they not unfrequently return to gaol, and unhappily a considerable proportion, on quitting prison, resume a life of crime. It is to be hoped, however, that the improvements now being introduced in their treatment while prisoners, will, before many years have passed, tell favorably on their career after liberation. All are locked in (unlighted) cells at sun-down to economize warder power. They are allowed books to read, but no writing materials, the reason alleged being that "they might write bad words." Food for the labor-prisoners is abundant; "confines" have much less, and those under very short sentences have meat once a week only. Tobacco is given to the men, but withheld in case of bad conduct. The privilege of seeing friends monthly is likewise withheld for the same cause. Marks were employed at the time of my visit to some extent, but the system was not yet fully organized. Good conduct, however, operated to shorten imprisonment to the extent of two months in each year of the sentence, and on the other hand the loss of good marks for one day negatived the remission of two days. There are six punishment cells, which can, on occasion, be made perfectly dark; this is done sometimes in the case of men, but never for women. Detention in the dark cell may be inflicted on a man for seven days. The prisoner has the means of ringing a bell, and is visited daily by the chaplain, the governor, and the warders. The boys imprisoned here are so detained because there is no male reformatory in New South Wales, and industrial schools there do not receive children convicted of criminal offenses. On asking the chief warder if he had ever known a boy improve by imprisonment, he emphatically answered "No!" Criminal lunatics are detained in this prison, and also in some instances, unhappily, lunatics who

are not criminals. This, however, is owing partly to a defect in the law which, it is to be hoped, will soon be amended, and partly to the strange fact that some of the country magistrates are ignorant of the existence of a proper receiving house at Sydney for these unfortunate creatures, and commit them to gaol for safe-keeping until they can be sent to asylums.

C. ADELAIDE GAOL, SOUTH AUSTRALIA.

Besides, I think, three small prisons in the provinces, with accommodation for ten or twelve inmates each, used for prisoners of both sexes whose sentences do not exceed six months, there are two gaols in South Australia, the "labor prison" at Yatala, six or eight miles from Adelaide, for male convicts only, and the Adelaide gaol for female prisoners of all categories, and for men whose sentences do not exceed six months. I visited the latter on Aug. 1st, 1873. It is a handsome erection, built of stone in 1840, about a mile beyond the city bounds, and contained on the day of my visit 66 males and 28 females.

The prisoners sleep in separate cells, but work by day in association (the sexes, of course, being divided), when talking is allowed, if not noisy or offensive. The cells are good, but the men's are best, except that on the ground floor they are flagged, while all occupied by women are boarded. The men sleep in hammocks; the women on a broad wooden shelf; formerly they slept on the bare boards, but recently mattresses have been supplied to them. The whole building, with the exception of one of the day rooms for women, and a portion of their side of the prison which was undergoing alteration, was scrupulously clean and in excellent order. The food is good and abundant, one pound of meat a day being allowed per head. The dresses were, for the males, colored shirts and coarse white trowsers; that for the females—dark serge gown—was tidy and comfortable, such as working people might wear; and the general aspect of the prisoners was cheerful and self-respectful, while the manner of the officers towards them was kindly. There is no criminal class yet in South Australia, and among these prisoners there was only one who had the depraved aspect, physical and moral, of the inmates of our gaols at home. A large proportion in this prison were under very short sentences for slight offenses, chiefly caused by drunkenness; and some were sailors whose vessels were in port, and who, having shown a disposition to break their engagements, had been locked up on the application of their captains, till the time for sailing should arrive.

The men cook for the whole establishment, make mats and coarse bags, pick oakum, break stones, cultivate about twenty acres of land, and manufacture oil from olives grown thereon. The land is outside the prison walls, and the warders are unarmed; but as an attempt to escape would be visited with five years' penal servitude in case of re-capture, and as re-capture is almost certain in so small a population as that of South Australia, where every one is more or less known, there is practically no risk of these short-sentenced prisoners running away. The men were employed also in the enlargement of the gaol going on when I visited it, for which they supply the unskilled labor. The women do all the washing, make the men's clothes and their own, and pick oakum, six pounds being a day's work. The mark system had lately been introduced. Three marks daily could be earned, denoting positive, comparative, and superlative merit; but they were allotted by the warders, and could hardly be regarded as a very accurate record of conduct. Besides these marks, an allowance of tobacco to the men was the only incentive to do well, offered to those in prison for six months or less, including, therefore, all the male prisoners. The women under long sentence could shorten their term within certain limits by good conduct. The prisoners were spoken of as usually "very quiet," and the object of all the prison arrangements seemed to be to preserve order among the inmates while there, rather than to train them to avoid returning, and, as might be expected, recommitments are not infrequent. There is a chapel, but a very ugly one, in the prison. Religious instruction is imparted entirely by volunteers; a dissenting minister and an episcopalian clergyman conduct worship at different hours on Sundays. All the prisoners may attend both services, and usually do so. A large proportion are Roman Catholics, who are visited by a priest. There is no schoolmaster. A few ladies visit and give instruction to the women, but the men receive none. There are a few books for their use. The men rise at six, and the women a little later. About eight hours are given to actual labor, exclusive of arranging cells, serving meals, etc., and all are locked up for the night at six o'clock, without employment; the reason for this most undesirable arrangement, which compels the prisoner to pass half the twenty-four hours in absolute idleness, being the cost of lighting the cells and of superintendence in the evening.

d. DRY CREEK LABOR PRISON, SOUTH AUSTRALIA.

The only prison in South Australia for the reception of male convicts (those under sentence for more than six months) is at Yatala,

six or seven miles from Adelaide, on a high, open situation, on a rocky soil, and near the sea. It is sometimes spoken of as "the stockade," but more correctly as the "Dry Creek Labor Prison." It contains 172 separate cells, and 4 for punishment. The number of prisoners on the day of my visit, August 20th, 1873, was 88. The majority are between the ages of 25 and 45—older than in the mother country. Many are believed to come from western Australia, Tasmania, and New South Wales, and the supposition that they are ex-imperial convicts would account for their more advanced years. They eat and sleep in separation, but work in association. One work-room (large and airy) suffices, as mending clothes constitutes almost the whole in-door labor, exclusive of cooking, cleaning, etc. The small number of prisoners would make it costly to employ trades-teachers, and the men are chiefly occupied in quarrying and breaking stones, but they also cultivate 20 acres of land. All the vegetables consumed in the prison, except potatoes, are raised here, and I saw also a fine patch of wheat growing. Here, as at the Adelaide gaol, I was struck with the industrious air and manly bearing of the prisoners, and with the kindly, even courteous manner towards them of the officers. The theory of Mr. W. R. Boothby, the comptroller of labor prisons (an office nearly corresponding to that of director of convict prisons at home) is, to "make the prisoners work hard and treat them like men." and to the reduction of this theory to practice may probably be attributed their good health, the small proportion of prison offenses, and the fact that they earn in hard cash half the cost of their maintenance, independent of the value of their labor not paid for in money. Out-door labor is carried on outside the prison walls, and as several men are under long sentences and some for life, it is necessary to guard against attempts to escape. Yet, except for light leg-irons on the life-sentenced, a few armed warders visible and a number (broad arrow) marked on the well looking clothes of the prisoners, there was nothing to remind one that they were not free laborers. It seemed to me that they might, with their pick-axes, soon have put an end to their officers, had they been so minded; but I believe no attack has occurred since the present comptroller entered on his appointment and reorganized the prison arrangements in 1869; and the perfect freedom with which our party of ladies and gentlemen walked among the prisoners without hearing a bad word, or seeing the least sign of discourtesy, was strong testimony to the healthy tone prevailing. The prison consists of the main building, containing 136 cells, and a new wing with 36

cells built of the fine stone, quarried by the prisoners with the assistance of skilled masons. The most perfect order and cleanliness prevailed throughout the gaol. The cells on the ground floor are flagged, and in the main building are somewhat dark, sunshine rarely entering. On the upper floors they are boarded. In all, the men sleep on a broad wooden shelf spread with a mattress. Their bedding is given to them at night by a warder, who takes away their day clothes. Each cell is furnished with the means of striking a gong to summon a warder in case of need. The newly arrived are lodged in the wing, and remain till another batch of prisoners come, when they are removed to the main building, so as to prevent intercourse with those fresh from the outer world. After receiving sentence, each prisoner is photographed at the Adelaide gaol in his ordinary dress. On arrival at Yatala he is again photographed in prison costume. The portraits are preserved on joint cards, at the back of which is recorded the man's name, age, a minute description of his personal appearance, his offense, and his sentence; a bit of paste-board the size of two visiting cards thus compendiously presenting the principal facts known concerning him. A register of his personal appearance is also kept in a book, with such information concerning his history as can be obtained.

A mark system of simple character is employed, marks being given only for industry, and three per day being the maximum attainable. They are allotted by the chief warder, and must be countersigned by the governor of the gaol. The men are not given mark-books themselves, but the amount gained is stated to them from time to time. They have opportunity for inquiry and expression of their opinion to the comptroller, and each man keeps a tally himself. Each mark tells, however infinitesimally, in shortening imprisonment, except of course in life sentences; and even then, in case of commutation, which is so frequent as to be almost the rule, previous industry is taken into account. By uninterrupted industry, remission of nearly one-third of a sentence for a term of years may be obtained.

The men are provided with one suit of clothes only, and as there is difficulty in drying them, out-door labor ceases in heavy rain; but as such cessation diminishes the opportunity of earning marks, it is very unpopular. Malingering likewise is rare. A medical officer visits the gaol daily, and the infirmary is a very comfortable room. No money can be earned in prison, but a gratuity of £2 is given on discharge. There is a prejudice, I was informed, in South Australia against ex-prisoners, which makes it difficult to obtain employment,

notwithstanding the great demand for laborers ; but a Prisoners' Aid Society, recently established by the Rev. Wilton Flack, is helping the well-disposed. That there should be any difficulty probably indicates want of faith in the reformation of the men ; and indeed I was impressed with the feeling that in Yatala gaol, as too often elsewhere, the good conduct of the prisoner, rather than that of the liberated man, was the object in view, although considerable reformatory effect is claimed. Prisoners under eighteen years of age are separated from the rest, and a schoolmaster attends on week-day evenings to instruct them and any older prisoners who are illiterate. The better conducted are allowed to read in the school-room (a comfortable one and well supplied with apparatus) when space can be spared ; but often this is not the case, and as the cells are unsupplied with artificial light, employment there ceases with daylight. The men work for an hour, from six in summer and seven in winter ; again from nine to one, and from two to six, with an interval of one-fourth of an hour in these two periods for smoking. The cessation from work is obligatory, because of the difficulty of superintending some at labor and some resting ; but I believe smoking is *optional*. Tobacco forms a regular ration, and the quantity supplied is very liberal. There are no appointed chaplains, but, as at the Adelaide gaol, clergymen of different denominations visit voluntarily. Attendance at service on Sundays is compulsory on the prisoners, but I was told they seemed to join in worship heartily. They have a pretty chapel, built by prison labor. Punishment consists in seclusion in a cell, by order of the governor of the gaol, for short periods, sometimes in darkness. In extreme cases the visiting justice and another magistrate, acting in concert, can order separate confinement for three months, in periods of one month each.

e. PARAMATTA GAOL, NEW SOUTH WALES.

I visited the gaol at Paramatta, fourteen miles from Sydney, on Nov. 12th, 1873. It receives male prisoners only ; labor prisoners, namely, who are undergoing the second stage of penal servitude, and a small number of local "confines."* The number present on the day of my visit was 169. Most of these men had a very unpleasant aspect, which, however, was, no doubt, partly attributable to the prison dress.

* Male prisoners undergoing the first stage of penal servitude are lodged in Berrima gaol, thirty or forty miles from Sydney, which I did not visit.

They sleep in cells, sometimes alone, sometimes three in a cell, and are locked up soon after 5 P. M. The windows of the cells are so high in the walls that daylight must disappear much earlier than in an ordinary room. The men are liberally fed, and have ten ounces of cooked meat without bone daily. A curious relic of the old régime remains in the prison regulations. A prisoner is periodically nominated by his fellows as their "delegate," to examine the portions of food supplied, and ascertain that they are correct both in quantity and quality; but the governor said that the office is now practically a sinecure, the officers of the prison being responsible for the food being such as the prison rules direct.

A variety of employments are carried on in the gaol—stone-cutting, blacksmith's work, tailoring, shoemaking, and bookbinding.

f. PRISONS IN TASMANIA.

(1.) Cascades Gaol, Hobart Town.

This prison, originally built for the reception of female convicts transported from the mother country, is situated a short distance from Hobart Town, in a pretty valley or glen, under Mount Wellington.

As it is no longer required for its original purpose, it is used as a house of correction for female prisoners; as an asylum for paupers, male and female; as a sort of dépôt for orphan and neglected children; and as a reformatory for boys. As would naturally be supposed, the establishment is extensive, and there appears sufficient space for all these different institutions to be carried on within the inclosure.

I paid but a hasty visit to the prison, my time in Tasmania being very limited. It was, like all the other prisons I have seen in the Australian colonies, beautifully clean. The women were employed in washing and sewing, chiefly in the former occupation. Washing is taken in, and, as far as I could see, done in a manner superior to other institutions of the kind, which I have visited. Those employed in the laundry and, I believe, those also doing needlework, were in association; but the prison was large enough to allow of every woman sleeping in a cell by herself.

There is no prison school, nor is there any artificial light in the cells, into which the women are locked at six o'clock in the evening.

The children in the establishment live separated from the bulk of the prisoners, but are attended by individuals from among them. Indeed, some are the children of prisoners.

b. HOUSE OF CORRECTION, HOBART TOWN.

This prison was also erected for the reception of convicts from England, and is now used as a house of correction for short sentenced men. It was exquisitely clean, but there appeared to be but little classification of the prisoners. Those who can be trusted are taken out under the care of an officer to work on the "Domain" (a park at Hobart Town, belonging to the government of Tasmania), on the gardens of the government house, and on other government property. But I was told that "old hands," who had friends in the colony, were not employed outside the prison, as they could not be prevented from running away. These worked at stone breaking within the yards, some in association, and others, convicted of brutal or disgraceful offenses, in separation. There is no school in this prison, nor any artificial light in the cells in which the men are locked up at six o'clock P.M.

14. CONSTRUCTION OF CELLULAR PRISONS IN BELGIUM.

By J. STEVENS, Chief Inspector of Prisons.

M. Stevens has communicated to me, in print, a dissertation on the subject above stated. It is not properly, nor indeed, in any sense, an exposition of the actual state of prison discipline in Belgium, but is an able and lucid development, by one of the first minds of Europe, of principles relating to prison construction. It is true that it professes to state and elucidate principles in reference to cellular prisons only; but the greater part of the principles set forth are, to a large extent, applicable to the prisons of all systems. Certainly, the paper is highly suggestive, and may be read with instruction and profit by all who take an interest in the penitentiary question. It only remains to add, that what is here offered is not the paper of M. Stevens *in extenso*, but only a moderate portion of it. The greater part of his *principles* are here; but in the essay, complete, they are illustrated by copious references, sometimes commendatory and sometimes condemnatory, to the prisons of Belgium, as indeed is plainly indicated in the title.*

I. *The Site.*

It is generally admitted that prisons should be built in the open country, or in the neighborhood of cities—never within their limits; that a site is to be chosen on a plateau elevated, isolated, supplied with an abundance of pure water, and sheltered as much as possible from the cold winds of the north, and the humid airs of the west;† that the southern exposure be in the highest degree favorable to the accommodation of prisoners; that we should avoid the erection of these establishments on a clay soil, through which water permeates with difficulty, and choose in preference a calcareous or sandy soil; and that the surface should have a certain inclination, always favorable to the carrying off of water, but the descent ought not to be too rapid, if we would avoid expenses that may become burdensome.

II. *General Arrangement of the Buildings.*

The special object of prisons should determine, to a certain degree, their internal arrangements. Punishment prisons, receiving only

* The essay of M. Stevens is issued, in beautiful style, by M. Muquardt, bookseller at Brussels, Place Royale. It is printed on exquisite paper, and contains forty-five royal 8vo. pages, and eight beautifully engraved plates, with numerous figures, illustrative of the principles embodied in the work. The work is, of course, in the French language, and is sold at five francs (gold), to which will have to be added the duty and transportation. Should any persons desire to possess this volume, the Secretary of the National Prison Association, 320 Broadway, New York, will be happy to receive and forward their orders.

† Corresponding in character to the east wind with us.

convicts of the same sex, may comprise several uniform wings, meeting at a central point. Detention prisons should comprise three principal divisions or wings, viz. : One for men under sentence ; one for men awaiting trial ; and a third for women of all categories. In prisons of a certain importance, the men's ward should have distinct wings for correctional prisoners, for prisoners awaiting trial, and for prisoners sentenced for *contraventions* (violations of police regulations) ; and also separate apartments for the sick and for debtors. As far as may be, it is best not to multiply the number of wings, since it is impossible to place them all at that point of the compass, which is most favorable to the health and well-being of the prisoners.

III. *The Cells.*

Besides the ordinary cells, there should be three special categories : 1. Cells intended for transient prisoners. 2. Cells specially designed for the sick. 3. Cells for the temporary confinement of insubordinate and noisy prisoners, and those affected by mental disease. The dimensions of the ordinary cells should be fixed at a minimum of 1,040 cubic feet, being thirteen feet long, eight feet wide, and ten feet high. The cells for the first category should be of the same size as the ordinary cells. Those for the sick (second category) should have at least 1,500 cubic feet of space, should be in a separate building, and should be provided with an active ventilation. It is an error to suppose that the special cells for the third category can be dispensed with in certain establishments. Every prison, according to its importance, ought to have a certain number of cells for this class, which should be as far removed as possible from the other cells. All the cells should be accessible to the sun's rays, and should be so constructed as to prevent communication between their occupants.

IV. *Heating.*

There are two systems of heating : The first—English or Pentonville system—which had been originally applied to the cellular prisons of Belgium, does not always work in a satisfactory manner. The distribution of heat, thus effected, is unequal. The second system conveys the heat by means of hot water pipes which, passing through the cells, gives out the caloric in a manner well nigh uniform. It has this advantage over the other system, that it can modify the temperature in a comparatively short time, and that it permits the lowering of the temperature several degrees at the

moment when the prisoners retire. After having tried various systems, we give the preference to the thermosiphon. It is the system of the penitentiary of Louvain; but instead of placing the pipes in a trench under the pavement of the cell, we place them eighteen inches above the pavement in an iron case, fastened with a key. The case is perforated with little holes near one angle of the cell; the air is admitted near the other angle. The pipes can be so placed as to prevent communication between the prisoners.

V. *Ventilation.*

The system of ventilation introduced into the penitentiary at Louvain is very satisfactory, and ought, in my opinion, to have the preference over those found in other establishments. In general, the cells are well supplied with fresh air, and the most delicate smell perceives no disagreeable odor.*

VI. *The Windows.*

In several of our prisons, the windows of the cells open completely. This arrangement, which is highly favorable to health, ought not to be lost sight of. The largest amount possible of air ought to be given to cellular prisoners. The windows should have a width of three feet eight inches, and a height of two feet four inches.

VII. *The Doors and Locks.*

The construction of the cell-doors gives no occasion for remark; but prison locks have not yet reached perfection. It has happened, in more than one prison, that the prisoners have opened the doors from the inside. The lock ought to have a double revolution, and there should be such combinations as to prevent the possibility of the door being shut without the use of the key. The wicket through which the food enters the cell is not fixed firmly enough, and would have little resistance in case of violence. The doors ought to have a height of six feet four inches by a width of two feet and a half.

VIII. *Water-closets.*

The system of fixed privy seats, as now in use at Louvain, is not susceptible of further perfection. It has not ceased to operate in a satisfactory manner, and we think it preferable to the movable vessels recently introduced into some of our cellular prisons. It would be

* The ventilating apparatus is minutely described by M. Stevens, but his account is too long for transcription, and cannot well be abbreviated.

desirable, in the interest of this system, that the seat should be placed in one of the angles of the cell, and be masked by a door so as to remove it from the view. It is sometimes attended with the inconvenience of lending itself to conversations from one cell to another, since, in removing the water that fills the siphon, a real speaking tube is established between the adjoining cells. This inconvenience might be avoided by connecting only the three superposed cells with the same discharge pipe. To arrange things in this new fashion, it would be absolutely necessary to double the number of discharge pipes, since at present a single pipe suffices for the emptying of six cells.

IX. *Distribution of Water.*

In prisons on the radiating plan, the distribution of water requires the following conditions: 1. It should be entirely distinct for each wing. 2. A well and force pump should occupy the extremity of each wing under the exercise yards. 3. The reservoirs placed under the false roofs should be made sloping from the centre towards the yards, and connected with each other by communicating pipes. 4. These reservoirs should have a capacity of 6,000 to 8,000 gallons each. 5. A waste pipe should be fitted to the last reservoir of each range, and be directed to the interior of the cell block, where it should empty into a funnel. 6. The gallery containing the several reservoirs should be sufficiently high and wide not to impede the distribution in case of repairs, and should be so constructed as to place the reservoirs beyond the reach of frost. 7. A well and feed pump should be placed in the centre of the cell block, to supply the heat pipes. The pump should be so arranged as to feed the reservoirs of either wing in case of accident to one of the pumps of the yards. These arrangements constitute a complete system, and, through them, the service would be ever secure against the danger of interruption.

X. *Lighting.*

In many establishments, the gas-pipes are embedded in the masonry. This arrangement is not without danger. In truth, it is difficult, if not impossible, to be assured of the condition of the pipes, and, in case of repairs, demolitions are inevitable. Gas pipes ought, as far as possible, to be placed so as to be in sight. Besides the stop-cock placed outside of each cell, by the door, a second should be placed inside of the cell, at the disposition of the prisoner. The burner should be one having a small hole, yet giving a sufficiency of

light, and should be placed at a height of about three feet. The pressure of gas may be regulated and moderated by opening the main cock only so far as may be indispensable to obtain sufficient light. The result is a notable economy. The lighting of the gallery should be distinct from that of the cells. There should be no exception, but in the case of some special cells near the centre.

XI. *The Speaking Tubes.*

It is important, in placing the speaking tubes, to avoid contact with the gas-pipes. The action of lime upon zinc and galvanized iron is bad. Speaking tubes that have not been preserved from contact with it, become oxydized and perforated by rust in many places. By these openings they absorb, to some extent, the gas which escapes from the pipes adjacent to them, and the use of such pipes becomes extremely disagreeable.

XII. *The Exercise Yards.*

The exercise yards should have a length of fourteen or fifteen yards, and a breadth of two and a half to three yards. Their number should be equal to a fifth of the prison population. They should be planted with shubbery, and the spaces between the wings should, in like manner, so far as there may be opportunity, be planted with trees. Such plantings serve an important office in the amelioration of the public health. It is a well known fact that the green parts of plants absorb the carbonic acid contained in the air, and clear it of an element injurious to man.

XIII & XIV. *Chapel and Conversation Rooms.*

The remarks of M. Stevens on these two points are omitted, as not applicable to the state of things among us.

XV. *Bath-Rooms.*

These should be placed on the ground-floor. They ought to be sufficiently provided with water, as also with a heating apparatus, of force enough to raise the water to a temperature of 25 degrees Réaumur. It is at least singular to find, in certain new prisons, bath-rooms in the cellar. We should not be niggardly as regards the number of bath-tubs. It is not simply a question of giving a bath to new comers, but we must be able to give them, periodically, to the whole prison population.

XVI. *Enclosure—Security.*

To afford all desirable security, the enclosing wall and the buildings for the administration ought to be completely separated from the other constructions. It is indispensable that a solution of continuity exist between the buildings of the façade and the prison proper, and that the enclosing wall, starting from the right of these buildings, encircle the rest of the edifice, and return to be united to them on the left, without finding itself, in its entire circuit, in contact with the interior constructions. The enclosing wall should not, anywhere, be less than twenty feet high. If it should be necessary to strengthen it with buttresses, nothing hinders the placing of them outside. Finally, there should be but one gate of entrance or communication with the interior.

XVII. *Sundry Details.*

The sinks, the bells, the elevators, and the furniture give occasion for no remark other than that the hammock has been beneficially replaced by an iron table-bed. The hammock, in truth, offers serious peril to the health of the prisoners of both sexes, especially of women. The new model is infinitely superior to it, as well in respect of health as of convenience and economy. It offers no embarrassment as regards the cells, since it can be turned up during the day, and the bedding can be stowed away in it. It is easily handled, and by the possibility of placing it in any part of the cell that may be judged convenient, it permits the introduction of trades requiring large space. As regards expense, its advantages are marked, since the hammock, with its appurtenances, represents a value of thirty-five francs, while the iron bedstead costs only fourteen francs, at the same time that it lasts much longer.

XVIII. *Accessory Services—Küchen, Bakery, Laundry, Hospital.*

This section is devoted by M. Stevens to divers rather sharp criticisms on the matters to which it relates, as they exist in the Belgian prisons, particularly that of Louvain. He closes his strictures in these words, which are evidently intended to convey the lesson embodied in them: The foregoing observations make clear the necessity of placing these various services on the outer edge of the perimeter of the prison, and of giving to them more space. It is essential that they be situated on the ground-floor and connected with the centre by a passage, whose sides being of open

work, will keep the noxious exhalations from reaching the interior. In short, the passages of the different localities devoted to these services should be on the same level as the cellular wings and the entrance way, so that by the aid of three-wheeled cars, like those used at railway stations, a single prisoner may convey, from the court of entrance and the store-rooms, heavy loads of provisions which, without such vehicle, would necessitate the constant employment of a number of prisoners, thereby compromising the fundamental principle of their separation.

XIX. *The Store-Rooms.*

It must be admitted, as a general rule for cellular prisons, that the store-rooms ought to be on the same story as the services to which they belong. Thus the heaters being placed in the cellar, there might be arranged under the building, for the accommodation of the administration, vast dépôts for combustibles. These dépôts should be connected with the heaters by a passage made under that of the entrance. The combustibles, received into the court of service, might be then directly thrown into the dépôts through a grated opening, without necessity for the least transportation. A car, mounted on rails, would serve to convey the coals from the dépôts to the heaters. Finally, the kitchen, bakery, etc., being situated on the ground-floor, the store-rooms connected with them should be found there also; and the raw material deposited there might be transported, without the least difficulty, to the localities where they are to be worked up.

XX. *Conclusion.*

The views here presented rest on experience, on the practice of the service, and on observations made every day in the matter of its execution. The means pointed out as a remedy for certain defects have not been chosen at hazard, but have been made the object of mature reflections. If the construction of the penitentiary of Louvain had been conceived in this order of ideas, the service there would have required but thirty-six keepers; at present, forty-five are needed. Independently of an annual saving of 10,000 francs on the expense of supervision, the several services would have been established under the most favorable conditions; their execution would be free from the difficulties which, in certain cases, impugn the fundamental principle of the separation of prisoners from each other; and, in short, the central supervision would reach and cover all parts of the establishment.

15. PRESENT STATE OF THE PENITENTIARY QUESTION IN FRANCE.

It is much to the honor of France that, despite her recent troubles and the consequent absorption of the public mind in plans and efforts to extricate herself from the grave difficulties which have environed her, she has given herself, for the last two and a half years, to the study of penitentiary reform, with a zeal and devotion scarcely equalled, now or heretofore, by any other nation. The French government was the first to utter words of cheer and encouragement to the secretary, when, in 1871, he entered, not without tremblings of heart, on the work of organizing what afterwards proved to be the great International Penitentiary Congress of 1872. In 1869, the Imperial Government had constituted a most respectable commission on the important but comparatively narrow basis of seeking a solution of the question, What is the duty of society to its liberated prisoners—how can it so deal with these unhappy men as to save them from again lapsing into crime? But Napoleon had fallen, and with its creator his commission had ceased to exist. However, M. de Rémusat, the then head of the ministry under President Thiers, M. Lambrecht, minister of the interior, and M. Jaillant, director-general of prisons under him, all vied with each other in their expressions of sympathy with my mission, and promptly pledged coöperation in the practical form of a new penitentiary commission, created upon a broader basis and with a wider scope—namely, that of a study of the whole question of prison discipline and reform, in the interest of the French nation. Accordingly, the following winter (1872-3), under the lead of Viscount D'Haussonville, an act was passed by the National Assembly creating the proposed commission, to consist of fifteen and afterwards extended to nineteen deputies, with power to associate with them an equal number of gentlemen skilled in penitentiary matters, who were not members of the Assembly. This commission, including several of the most distinguished men of France, and among them MM. Faustin-Helie, Bonneville de Marsangy, Charles Lucas, Bérenger (de la Drôme), de Pressensé and others, has been hard at work for more than two and a half years. It has summoned before it as witnesses, to give their views on the penitentiary question, specialists

from America, from Great Britain, and from several of the Continental nations, as well as scores and hundreds from France itself. Divers of its members have visited and examined foreign prisons, and have made reports upon them, with more or less fulness, to the body of the commission. It has held, at all times when the Assembly has been at Versailles, two sessions per week, of three to four hours each. It has already published seven or eight quarto volumes, embodying the results of its labors in the form of evidence, of special reports on prisons abroad, of comprehensive and elaborate general reports on the various points which have formed the subject of its investigations, etc. etc. In a word, it seems safe to say that there has never been a national or international inquest, on this or any other question, so broad, so searching, so fruitful in facts and opinions, drawn from all quarters and from the ablest and most competent experts, as that which has been accomplished by this illustrious body, distinguished alike for its learning, its wisdom, and its devotion to the high interests of virtue and humanity.

When in Europe a few weeks ago, and while attending one of the sessions of the commission, I received a promise from the assistant secretary of the body, that he would send me, in time for insertion in the present report, a résumé of the labors of the commission, and of the exact status of the prison question in France at this moment. That promise has not yet been redeemed, probably because of the pressure of official duty in connection with the commission. I can, therefore, only make this general statement, which is, nevertheless, sufficient to show the warm and active interest taken by the people and government of France in a question, which is more and more engaging the earnest and intelligent study of the civilized world.

16. PRISON REFORM IN GREAT BRITAIN.

Although five papers from English sources and one from Scotland appear in former portions of these Transactions, there is nothing that treats expressly on the present status of the prison question in that country. Mr. Tallack, in his essay on the "Influence of the Prison Congress of 1872," makes brief but encouraging reference to the effect produced in England by that great convocation. Among other facts mentioned by him, is the statement that a deputation from the Council of the British Social Science Association had waited upon the Secretary of State for the Home Department, the Right Honorable R. A. Cross, to urge upon the government, the issuing of a Royal Commission on Prison Reform, and that a response, highly favorable though not decisive, had been returned by the minister to their request. The audience took place on the 2d of June last past. The deputation was headed by Lord Hampton (late Sir John Pakington) and was composed of many eminent citizens, among whom were Sir Walter Crofton, Barwick Baker, G. W. Hastings, Dr. Mouat, James Marshall, Frederic Hill, Seymour Teulon, J. A. Bremner, Arthur Sperling, James McClelland, and the General Secretary, C. W. Ryalls, LL.D. The proceedings and speeches at this audience were so interesting, so full of promise and hope, that I do not hesitate to give them *in extenso*. It will be seen that, although other points are not likely to be overlooked or forgotten, in any general revision of the penitentiary system as relating to county and borough prisons, the current of public opinion is, at the present moment, setting most strongly in the direction, if not of the abolition, at least of a great restriction of penal labor, properly so-called, and the substitution therefor of industrial and productive employments; to which, moreover, it is proposed to give, not merely expansion, but variety—a multiplication of trades, as well as a greater amount of time to one or a few. The proceedings are as follows:

Lord Hampton said he had been requested to introduce the deputation, which he had much pleasure in doing, and would but briefly state the objects they had in view, as Mr. Hastings would explain more fully the purpose of the interview. He might mention, however, that their objects had originated a good deal from what had passed

at the International Prison Congress, held about two years ago, which was attended by a large number of representatives from America and European nations, on the subject of prison discipline throughout the civilized globe. Their desire now was to call attention to the existing state of the discipline, not in our convict prisons, but in ordinary gaols throughout England and Wales; and they were deputed to consult him whether it would not be desirable that a commission should be issued on the subject. He had had the honor of sitting upon a commission some time ago on the subject of convict prisons, from the deliberations of which the present convict system was very much arrived at. He begged to impress upon Mr. Cross the importance of the subject of their interview, and to express a hope that it would receive the immediate and active attention of the government.

Mr. Hastings said that the object the Council of the Association which he had the honor to represent had in coming here, was to ask, as Lord Hampton had said, for an inquiry into the management and discipline of county and borough prisons in Great Britain. Their object was not to ask for any specific change in prison administration, but for the issue of a Royal Commission to inquire into the whole subject, and to report for the guidance of the government and the legislature in this matter. Out of the International Congress alluded to by Lord Hampton, there had grown a meeting of visiting justices from nearly all parts of England and Wales and some parts of Scotland, to consider this very subject. The question of prison discipline in borough and county gaols had been somewhat neglected at the Congress, perhaps necessarily; but as nothing could be more important for visiting justices than that question, they met together about this time last year to consider it, and they came to the conclusion that it would be very desirable to have an inquiry of the kind now indicated. They had not come there as theorists or as urging any theoretical views, for nearly all present had had considerable practical experience on the subject. There were present, for instance, Sir Walter Crofton, who had been chairman of convict prisons in Ireland; Dr. Mouat, who for fifteen years was at the head of the prisons of India; Mr. Frederic Hill, for some time inspector of prisons in Scotland; Mr. Barwick Baker, who on this subject represented Gloucestershire; Mr. Sperling, of Cambridgeshire; Mr. Bremner, of Manchester; Mr. Marshall, of Middlesex; Mr. Teulon, of Surrey; while Lord Hampton and himself could speak with experience of Worcestershire.

There were three principal grounds for venturing to ask for a commission of inquiry.

The first point was the want of uniformity which exists in the discipline and management of county and borough gaols in Great Britain. When in Devonshire he had been struck by the very considerable difference in the nature of the discipline existing, for instance, in the county prison of Exeter and the borough prison of Devonport. They seemed indeed to constitute the opposite poles of the system, the one having industrial labor only, and the other penal labor of a very high rigor. This diversity of treatment led to a great uncertainty in punishment, since a sentence of three or six months to one prison meant something very different from a sentence of the same term to another, perhaps in the same county. They did not say it was either practicable or desirable that there should be a procrustean system, bringing down every gaol to the same uniform management, but they contended that there should be some greater approximation to uniformity than is found at present.

The second point was with regard to the considerable number of prisons that exist in Great Britain in which the daily average of prisoners is so small, that it is impossible to suppose that, under any system which could be established, they could be efficiently conducted. When he went through the reports of the prison inspectors, and saw the figures for himself, he could hardly believe the extent to which this evil prevails. In England and Wales alone he found 45 prisons in which there is a daily

average of less than 50 prisoners. He had selected the number of 50 so as to avoid exaggeration, and he was sure that anyone conversant with the subject would support him in saying that a prison with less than 50 prisoners is not likely to be efficiently managed. What, then, are we to say of prisons much smaller in number? Now, in England and Wales there are 27 prisons with a daily average of less than 25 prisoners, and there are 10 in which the daily average is under 10, one of those being the prison of Tiverton, in which the daily average is 14.

Mr. Cross: How many officers have they?

Mr. Hastings said he could not say exactly, but by law they must have a governor, a matron, a chaplain, and a surgeon. Nearly always there were other officials, and it was obvious that the cost of the staff would press much more heavily in a small gaol than in a larger one.

Mr. Cross: Have you considered the question of expense and maintenance?

Mr. Hastings said he had. In Tiverton the expense was 121*l.* per head for the 14 prisoners. Cardigan's 8 prisoners cost nearly 80*l.* each. In Beaumaris, where there are only 9 prisoners, they each cost 64*l.* Mold, with 21, cost 52*l.* each. At St. Alban's, 39½ prisoners cost 44*l.* each. At Carmarthen 15 prisoners cost 61*l.* each. So far as he was aware, the general run of prisons maintained their prisoners at a cost of between 20*l.* and 30*l.* per head. It was obvious, therefore, that these small prisons cost four or five times more than they would if they were consolidated. It was a question whether industrial labor could be utilized with so small a number, but no question at all that discipline could not be properly maintained in such small organizations. To turn to Scotland, there are 53 prisons there with an average number of under 50 prisoners; there are 46 with an average number under 25; and 84 with an average number under 10, of which a considerable number have a daily average of one prisoner only. There are several of such prisons in the extreme north which it might be difficult to abolish, such, for instance, as that of Orkney. But with regard to a large proportion of those in Scotland, there is no reason—and, in fact, it is so stated in the returns made by the inspector of prisons—why they should not be amalgamated with adjacent gaols. The association wished to impress upon Mr. Cross that this multiplication of small prisons was an evil and a mischief in itself, in addition to the vast amount of expense that it entails. Probably in former times there were reasons for keeping them up, as there was then a difficulty in conveying prisoners from one place to another, but in these railway days that difficulty had entirely vanished. In the county of Norfolk he was surprised to find last autumn that they had four prisons in addition to the borough prison of Norwich. When at Norwich he went to the Castle, and found at that time they had only between forty and fifty prisoners there, and that consequently they had great difficulty in working the treadmill. Now, besides the city prison, which of course might with ease be amalgamated with the other, there were three other prisons in the county, and by putting them together they would only have a tolerably sized gaol. In the county of Lincoln there are altogether seven prisons, and he observed that the expense of each prisoner in the county prison of Lincoln was 125*l.* He ventured to think that there ought to be some external pressure used in this matter, so as to compel those who have the management to amalgamate. He could safely say, so far as he was connected with the county of Worcester, that he came there with clean hands, inasmuch as Lord Hampton and he had pointed out at a former deputation that they had amalgamated the two prisons of the city and county. Mr. Baker would tell him (Mr. Cross) that in Gloucestershire they had reduced their seven gaols to one, and even that one was now not more than half full. That was another point which bore very strongly on this matter. In the older days, when a considerable amount of crime existed, all those gaols were full; now, however, it was known that they were half empty.

Mr. Cross : That is within the last few years ?

Mr. Hastings said it was so. Certainly, for the last few years there had been a great diminution of crime in the country districts of England, and therefore it had become the more necessary that these smaller gaols should be swept away altogether.

The third point was the subject of industrial labor in prisons. The association observed that the other day a deputation had waited upon Mr. Cross, representing the weekly-wage classes, which urged that trades were carried on in prisons to the detriment of the working-men.

Mr. Cross : They did not say exactly that ; they said you took up one particular trade (mat-making), and you had not divided your prison labor among a lot of trades.

Mr. Hastings said he did not put it as a matter on which the association urged any particular view, but he suggested it as a matter for inquiry. So far they supported the application of the working-men's deputation, and urged inquiry into the case. Probably it might be found that industrial labor in prisons could be carried to a greater extent and variety than at present. He was himself a strong supporter of the act of 1866, and believed that, wisely administered, it would be found to be beneficial ; but he did not say that it was not capable of improvement. There existed good reason to inquire how far industrial could be substituted for penal labor, especially as to the first three months of a prisoner's sentence.

These, then, were the grounds he had to urge ; and he now, on behalf of the association, had to ask that he (Mr. Cross) would kindly take into consideration the issuing of a Royal Commission to inquire into the discipline and management of county and borough prisons throughout Great Britain.

Mr. Bremner observed that he would venture to go a little further than Mr. Hastings, and say that according to his own experience the prison act had done much to discourage industrial labor in prisons, and that great benefit would arise, both as regards economy of management and the moral reformation of prisoners, if the hands of governors were less tied than they are at present, and they were left more free to engage the prison population in remunerative industry, according to the circumstances of each locality. A strong proof of the value of such labor in prison is to be found in the fact that it has been adopted with marked success, to the utmost the law permits, by the ablest prison administrators in the larger and more important gaols in the country.

He begged to submit the following statistics of four Lancashire gaols, which furnished a practical example of the important financial and reformatory results of such a system :—

PRISON.	Yearly cost per prisoner.	Yearly earn- ings per prisoner.	Net cost per annum.
	£ s. d.	£ s. d.	£ s. d.
Kirkdale	23 0 2	2 1 11	20 18 3
Lancaster	30 1 6	4 5 0	15 15 6
Preston	19 2 2	7 14 2	11 6 0
Salford	18 0 1	8 2 11	9 17 2

Here were four gaols all situated in the same county, and therefore possessing equal advantages for economical management, and yet a remarkable difference in the cost per head of prisoners in each gaol is observable ; indeed, taking the two extremes, the cost in one prison is more than double of that in another, for in Kirkdale the net

cost of each prisoner is 20*l.* 18*s.* 3*d.*, while at Salford it is only 9*l.* 17*s.* 2*d.* The explanation was a very simple one—the earnings of each prisoner at Salford were 8*l.* 2*s.* 11*d.*, and at Kirkdale only 2*l.* 1*s.* 11*d.* It was thus evident that financial and economical success is in proportion to the development of the labor of prisoners in productive industry.

But a no less important view of the subject was the effect of such employments on the recommitments to gaol where such employment was the rule, and it was interesting to note that these recommitments are least where the prisoners earn most by such useful labor, as is shown in the following comparative statement of the same four Lancashire gaols:—

PRISON.	Prisoners' earnings per head.	Percentage of recommitments.
	£ s. d.	
Salford	8 2 11	15 per cent.
Preston	7 14 2	29 “
Lancaster	4 5 0	31 “
Kirkdale.....	2 1 11	41 “

It was thus seen that at Salford gaol, where the earnings are highest, viz., 8*l.* 2*s.* 11*d.* per head, the recommitments were only 15 per cent.; but at Kirkdale, where useful industry is less cultivated, and the earnings only 2*l.* 1*s.* 11*d.*, the recommitments reach the large proportion of 41 per cent., nearly three time as many.

With such results, it may fairly be claimed for useful industry in our prisons that it yields moral dividends as well as financial. (Hear, hear.) He was sure that if Her Majesty's Government granted a Royal Commission of Inquiry, there was no branch of prison discipline which could more fitly engage its attention than the more systematic development of productive labor among the prison population. Whatever success certain governors had had in carrying out a system of such labor, they unanimously declared that with greater liberty of action much more successful results could be achieved.

Mr. Hill, as having formerly held the office of an inspector of prisons, remarked that he could fully confirm the observations made by Mr. Bremner from his own experience. Mr. Hill had always attached the greatest importance to industrial labor, and he believed it presented a very large field for improvement. As much as thirty years ago he showed that at the well-conducted prison of Glasgow—a prison distinguished for its productive labor—every prisoner sentenced to the moderate period of six months' confinement entirely supported himself; not merely earning his food, but his share of the salaries and of every other expense; except that no charge was made for rent. He had shown, also, that these self-supporting prisoners were noticeable for the very small number of recommitments. He was of opinion that while a great saving would be effected by the general introduction of industrial employment, the change would be productive, also, of an equal benefit in a moral and reformatory sense; that, in fact, it would be a good without alloy. Mr. Hill said that in one of his annual reports he had stated that if he had had to arrange the prisons in his district in the order of excellence, as shown by the results, he should have put them in the inverse order of expense. He had long ago expressed his belief that under good management every adult prisoner, except those sentenced to very short terms, might be made to support himself; and, under the able direction of Major du Cane, this, in regard to the large class sentenced to penal servitude, had now been accomplished. In America several of the prisons not only maintained

themselves, but yielded a surplus; and this without any sacrifice of the ordinary results of imprisonment.

Mr. Cross: This is a matter which I have had under my consideration for some time. What course the government will take, I cannot at this moment say; but it is decidedly a matter that must be inquired into in one shape or another, though not this session, I am afraid.

MISCELLANEOUS MATTERS.

1. PERMANENT INTERNATIONAL PENITENTIARY COMMISSION.

[Translation.]

*a. MINUTES of the Meeting of the Commission for the Study of Penitentiary Reform, held at Brussels, Palace of the Minister of Justice, June 25th, 26th, and 27th, 1874, under the Presidency of DR. WINES, of New York, U. S. A.**

There are present : Messieurs Dr. Wines (United States) ; Beltrani-Scalia (Italy) ; Dr. Frey (Austria) ; Dr. Guillaume (Switzerland) ; Loyson (France) ; Pols (Holland) ; and Stevens (Belgium).

Absent : Messieurs Baron von Holtzendorff (Germany), detained by indisposition ; Count Sollohub (Russia), on his way ; and G. W. Hastings (England).

1. Before opening the session, the Commission pays its respects to M. de Lantsheer, Minister of Justice. After the members had been introduced by M. Stevens, Chief Inspector of Prisons for Belgium, Dr. Wines, as the official organ of the Commission, expresses to the representative of the Belgian Government the best thanks of the body for the ready zeal with which the government has made preparation for our reception and offered all the information which the members of the Commission could desire. The Minister, in reply, expresses the pleasure which it affords him to welcome the members of the International Commission to Belgium, and wishes them a pleasant and fruitful meeting.

2. On re-entering the hall, placed by the government at the disposition of the Commission, the President opens the sessions at 10 o'clock, A. M., with the following address :

[See speech below.]

3. Before proceeding to the orders of the day, the President announces to the Commission that, having had occasion, when passing through England, to call upon the Right Honorable the Earl of Carnarvon, President of the International Penitentiary Congress of London, his lordship requested him to bear to the members of the

* It will be seen that the record, throughout, is in the present tense, which is the Continental fashion of making up minutes (*procès verbal*).

International Commission the assurance of his continued and profound interest in the work undertaken by the London Congress, and particularly in the labors of the Commission at its then approaching session.

4. The President causes to be read a letter from Baron von Holtzendorff, expressing regret at his inability to be present, and offering suggestions as to the bases of organization for another Congress.

5. The President further causes to be read a letter from M. Cardon, Director General of Prisons for the kingdom of Italy, who transmits, in the name of his government, to each member of the Commission, a copy of the statistics of the Italian prisons for 1872. The President is charged to convey to M. Cardon the thanks of the Commission for this generous gift.

6. The President distributes to the members of the Commission copies of the statistical résumé of the administration of criminal and civil justice of Belgium, which the Minister of Justice had placed in his hands.

7. Also copies of the project of law (bill) relating to the departmental prisons of France, and of the report of M. Bérenger (de la Drôme), which the latter had caused to be conveyed to him for the members of the commission.

8. M. Beltrani presents to the Commission copies of his two works, entitled "The Penitentiary System of England and Ireland," and "Concerning Transportation" [that is, in punishment of crime].

9. Dr. Guillaume distributes to the members of the Commission certain pamphlets relating to the prisons of Switzerland, and particularly the memoir of M. Kühne, on "Swiss Prison Discipline."

10. M. Loyson introduces M. Emile Yvernès, Chief of the Bureau of Statistics and of Criminal Registers (*casiers judiciaires*) of the ministry of justice in France. The President, in the name of the Commission, extends to M. Yvernès a cordial welcome, and invites his co-operation in our labors.

11. M. Yvernès presents to the Commission copies of a memoir on "Récidive" (relapse) and the Penitentiary System in Europe, prepared by him at the request of the Permanent Commission of the International Statistical Congress, of which he is a member.

12. Pursuant to the orders of the day, M. Beltrani-Scalia submits a report on International Penitentiary Statistics, together with the plan for recording them, which he had been charged with preparing. After having examined the statistical tables in use in different countries, M. Beltrani adopted the formularies, which were

subsequently sent to the several members of the Commission, with a request that they would, if possible, procure them to be filled up by their respective governments. Favorable responses have been made to this appeal by Belgium, Denmark, Holland, Hungary, Italy, Saxony, and Sweden, all of which states have filled the blanks and forwarded the tables, as requested. Other countries have promised co-operation so soon as they shall be able to give it. M. Beltrani lays before the Commission, in manuscript, copies of the tables prepared by him.

Pending the discussion which follows, M. Yvernès, charged by the International Statistical Congress with the duty of preparing the draft of a system of judicial statistics, shows how desirable it is that the two Congresses should adopt the same bases for judicial and penitentiary statistics. He comes to this meeting by direction of the Minister of Justice for France, with the view to give such aid as he may be able in its statistical labors, and, above all, to impress upon the Commission the importance of securing full returns on the question of relapses. M. Yvernès gives interesting details on the annual registers, and especially on the system of the *Casiers Judiciaires*, whose advantages he sets in a clear light.

Dr. Frey exhibits the importance of sanitary statistics and of embodying full details on this point in our tables.

The Commission, after full discussion, adopts the following resolutions :

(a) It returns thanks to M. Beltrani-Scalia for the important and disinterested labor he has performed, accepts the statistical tables he has prepared, and begs him to publish the same.

(b) It charges its President to thank the governments which have responded to the appeal addressed to them by M. Beltrani, and, in the name of the Commission, to make a fresh appeal to such governments as have not yet furnished the information sought.

(c) It names M. Stevens as successor to M. Beltrani in the office of Secretary. M. Stevens accepts the position on the same conditions as his predecessor. He is requested to take account of the observations which may be addressed to him by his colleagues, with a view to simplify and complete the statistical formularies, and thus to facilitate the preparation of the responses, and secure the gradual definitive adoption of these formularies in all countries.

(d) After having heard with interest the exposé of M. Yvernès and returned to him its thanks therefor, the Commission asks M. Stevens to have an understanding with him on the question of

relapses, and begs M. Yvernès to continue to take part in our labors at future meetings, and thus to serve as a bond of union between the Statistical Congress and the Penitentiary Congress, since it is important that the two should be of one mind on the question of prison statistics.

13. The question whether another International Congress for the study of penitentiary reform shall be convoked, is, after discussion, determined affirmatively by a unanimous vote of the members.

14. The time for holding the said Congress is fixed for the year 1876.

15. As regards the organization of the Congress and the programme of questions to be discussed, the Commission decides to confide the preparation of a draft of definitive rules to a sub-commission, to consist of MM. von Holtzendorff, Pols, and Stevens.

16. Dr. Frey submits a memoir setting forth a detailed programme of Rules and Regulations for the International Penitentiary Congress and its Permanent Commission, for which thanks are given to the author.

17. With a view to making known to the sub-commission the opinions of the members of the Commission, a discussion is had on the several principles contained in the letter of Baron von Holtzendorff and the memoir of Dr. Frey, and both papers are referred to the sub-commission for their guidance in the duty confided to them.

18. Considering the utility and convenience which would accrue from having in the Commission a delegate from each country represented in the Congress of London, the Commission, after discussion, instructs its President to address all the governments not now represented in it, and to request that each name a delegate to be present at the sessions of any future meeting of the Commission. This decision indicates the opinion of the Commission as to the proper composition of this body.

19. To the end that all desirable success may be assured to the next Congress, the Commission thinks that speculative and theoretical discussions should, as far as possible, be avoided; that the number of questions to be submitted for discussion ought to be limited to those which are most practical and of general interest; that each question embraced in the programme adopted should be made the subject of one or two short reports by competent persons; and that these reports should be published and distributed several months in advance of the opening of the Congress.

20. The Commission is of the opinion that the three sections proposed by Dr. Frey (viz., of penal legislation, penitentiary administration, and a section giving its attention to the consideration of

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preventive and reformatory work, as related to children) may be maintained.

21. As it is important that the decisions of the Congress should have a real value and exert their legitimate influence on public opinion, it seems to the Commission necessary that the Congress should be composed, above all, of official delegates named by the governments of the various countries, taking an interest in the study of penitentiary reform. The members of the Commission are unanimous in recommending that the vote upon the propositions formulated should be taken by yeas and nays, so that the names of those who constitute, respectively, the majority and the minority, may be known.

22. The question relating to the official language which shall be employed in the Congress, is left undecided until it is determined in what place the next Congress shall be held. The Commission is of opinion that whatever the language adopted, exception must necessarily be made in special cases. It would be contrary to the end proposed by the Congress of London to exclude from the deliberations of another Congress men of science and experience, who might be unable to express themselves in the language that should have been declared official and obligatory. A letter of M. Bournat (France) addressed to the Commission, in which he discusses this question, is referred to the sub-commission for their guidance.

23. The Commission expresses the wish that Dr. Wines would undertake the preparation of an essay, in which he will offer a comprehensive review of the progress made in penitentiary reform since the Congress of London, in the various countries of the world. This report should include, if possible, the year 1875.

24. As to the place of meeting of the next Congress, the Commission thinks it inexpedient to come to a definitive resolution on this point before it is informed whether such meeting shall have not only the sympathy of, but be positively desired by, the government of the country, in which it is proposed to be held. The Commission refers this question to the examination of the sub-commission, which will formulate, in due time, the proper notification in this regard.

25. The sub-commission, after having terminated its preparatory labors, will send, at least one month before the next meeting, to the members of the Commission, notice of the results reached on the several questions referred to its examination.

26. The Commission decides to hold a meeting next year, in the month of August, at Bruchsal, in the Grand Duchy of Baden. The

President is charged with the convocation of the Commission, and also with communicating the fact of the intended meeting to the Minister of Justice of the Grand Duchy, and to M. Eckert, director of the penitentiary of Bruchsal, and soliciting their friendly interest and coöperation therein.

27. M. Beltrani-Scalia thinks that it will be useful to establish an organ of publicity for the different countries which took part in the Congress of London, and for other countries which desire to keep themselves informed in regard to the progress realized in the penitentiary domain. He therefore proposes the publication of a monthly journal, under the following title: "International Bulletin for the Study of Penitentiary Reform, published with the Co-operation of the Members of the International Commission, by M."

This Bulletin will contain the official documents, laws, regulations, instructions, etc., adopted by the different countries, and sent to the editor. The Bulletin will be printed in the French language.

The Commission, after discussion, adopts unanimously the proposition of M. Beltrani, and asks him to undertake the duty of editing the Bulletin. It votes him its warmest thanks, in consideration that he not only accepts the editorship, but also all the financial consequences of the enterprise. M. Beltrani requires that communications for the Bulletin be addressed to him in French, it being understood that he cannot charge himself with the translation of the documents that may be sent to him.

The Commission hopes that this international organ of publicity will hold in friendly relations all those persons who took part in the Congress of London, and all others who are interested in the solution of penitentiary questions.

28. Thanks are voted by the Commission to Dr. Wines, its devoted and venerable President.

29. The minutes are read, adopted, and signed by all the members, and the session closed June 26th, at 5 o'clock P.M.

(Signed),

WINES, *President*,
BELTRANI-SCALIA, *Secretary*,
LOYSON,
FREY,
POLS,
GUILLAUME,
STEVENS,
YVERNÈS.

BRUSSELS, *June 26th*, 1874.

ADDENDUM TO THE MINUTES.

30. Count Sollohub having arrived at the moment of final adjournment, and having expressed a desire to read the minutes and to communicate to the Commission a memoir offering certain views on penitentiary reform, the Commission determines to hold a meeting in the evening, at the residence of M. Stevens, to listen to the reading of the said memoir, and also to visit in a body, on the morrow, the penitentiary of Louvain, where a final session will be held.

31. Agreeably to the above determination, the Commission at 8 P. M. re-assembles at the residence of M. Stevens, and, having heard the memoir of M. Sollohub, requests him to cause the same to be printed, that it may be consulted by the sub-commission in the preparation of the plan of organization of the Congress.

32. During its visit to Louvain, the Commission holds a session in the office of the director of the penitentiary, at which Count Sollohub declares that, having read the minutes of the meeting, he gives his adhesion to all the conclusions reached, but that, nevertheless, he is of opinion that the word "congress" should be replaced by the word "conference," to which should be admitted only official delegates of their respective governments, and that the whole penitentiary question should be considered in its connection with criminal legislation.

33. Dr. Wines lays before the Commission a letter from M. Petersen, director of the penitentiary of Christiana, Norway, in which he expresses his opinion on the question of another international congress, which he regards as a necessity. This letter, which contains other ideas relating to the organization, the place, and the time of the Congress, is referred to the sub-commission, as is also a letter from M. Bruün of Denmark, treating of the same subject, and announcing that Count Sollohub is authorized to represent Denmark and Sweden in the Commission.

b. ADDRESS pronounced at the opening of the International Penitentiary Commission, at Brussels, Belgium, June 25, 1874: By E. C. WINES, President of the Commission.

Gentlemen of the International Penitentiary Commission and highly honored Colleagues: It is a happy selection that we have made for our place of meeting. There is inspiration in the very air of the country where we are assembled. Belgium may be said to be, in a certain sense, the creator of John Howard himself. That

great leader in prison reform was a different man from what he would have been, and wrought a higher and nobler work for humanity than he would have accomplished, but for what he saw and learned at the prison of Ghent. Belgium has been the pioneer of the world in this good work. Thanks to a citizen of whom any country or any age might be proud, the Viscount Vilain XIV, one of the wisest and most gifted statesmen who have ever contributed by the light and warmth of their genius to the progress of humanity, it is just one hundred years ago that a penitentiary was opened at Ghent, in which were intelligently and successfully applied all the great principles, which the world is even to-day slowly and painfully seeking to introduce into prison management. What are those principles? Reformation of prisoners as a chief end to be kept in view; hope as the great regenerative force in prisons; work, education, and religion as other vital forces to the same end; abbreviation of sentence and participation in earnings as incentives to diligence, good conduct, and self-improvement; the enlisting of the will of the prisoner in the work of his own moral regeneration; the introduction of variety of trades into prisons, and the mastery by every convict of some handicraft as a means of support after discharge; the use of the law of love as an agent in prison discipline, to the exclusion, as far as may be, of the grosser forms of force; the utter worthlessness of short imprisonments and the necessity of longer terms even for minor offenses, when repeated; and the intellectual, moral, and industrial education of neglected, vagrant and vicious children, this last being, in aim and essential features, an anticipation of the industrial school and juvenile reformatory of our day.

Convened, as we are to-day, in this beautiful city, the capital of a country so early and honorably distinguished for its profound study of the penitentiary question and its enlightened application of the true principles of penitentiary science, we may fitly exchange congratulations on the progress already made, and on the cheering out-look of our great work for the future.

The Congress of London, to which this Commission owes its existence, was an event of the highest significance. It was one of those events which mark, with the clearness of sunlight, the progress of humanity; a landmark in the march of ages; a veritable epoch in the history of penitentiary science and reform. Gentlemen, we all know the remarkable success of that Congress, for we were all there to see it. It was a great gathering in many respects; great

in the extent of the territories from which it drew its members ; great in the number of governments, peoples, and institutions represented ; great in the ability and character of the men who composed it ; and great in its results, actual and prospective. Among these results is this very Commission, which is charged, primarily, with the duty of devising a comprehensive scheme of international penitentiary statistics on a uniform basis, and, secondarily, with a general oversight of penitentiary reform, in so far as it has an international bearing. The honorable secretary of this Commission, M. Beltrani-Scalia, has prepared a series of forms for recording the statistical information to be sought from the various countries of the civilized world. This duty has been performed by him in a manner worthy of his high reputation as a criminal statistician.

One of the questions which will come before this Commission for its determination, will be that of another International Penitentiary Congress. Shall such Congress be held, or not ? On this question, permit me first, to cite a short extract from a letter received from an honored member of this commission, M. Pols, of Holland, who says :

The great aim of such Congresses is to stir public opinion and give it a mighty impulse in some direction. This aim, I think, has been fully attained by the London Congress ; and, as I believe that public opinion rules the world, not only in free countries, like yours and mine, but even in states seemingly directed by an uncontrolled executive power, the indirect results of the Congress will soon appear, and our (or, as I do not hesitate to say, your) work will be proven not to have been fruitless. The thoroughly practical and scientific character of the proceedings, the earnest and, on many points, exhaustive discussions, and the unanimous accord finally reached concerning so many great and important principles of penitentiary discipline, insure its success, which will prove the greater, as it will be won by instillation and not by strong measures, too soon in general nullified by reactions. Nor do I think it one of the least remarkable results of the Congress that men, so widely diverging as to the means of working out common principles, have met one another without any contention or personal strife, but, without an exception that I am aware of, have shown the greatest esteem for their strongest antagonists, the largest toleration for adverse opinions. The absence of petty jealousies and personal vanities insures, as I believe, an impartial and broad consideration of the rival systems.

A Congress of which so much can be truly said—and I believe all this to be true—must of necessity be repeated.

But two years have now passed since the Congress of London, a period long enough to develop actual fruit, if any is ever to be yielded by it. We shall hardly be justified in summoning the world to another similar reunion, unless we can show that valuable results

have followed the first. Can such results be shown? Yes, undoubtedly; and in greater number and more important than could reasonably have been anticipated at so early a date.

One of the first acts of the Danish government, after the return of its commissioner, M. Bruün, was to issue a decree that all the associated prisons in the kingdom should thenceforth be conducted on the principles approved by the Congress of London; meaning, as I suppose, that the principle of progressive classification, agreeably to the Crofton system, should be applied in their management.

In Sweden the influence of the Congress has been conspicuous, both in awakening a general interest in the penitentiary question, and in leading to important legislative reforms in this department of the public service. Among other reforms, a school for the special education of prison officers (both superior and inferior) has been established in connection with the central penitentiary near Stockholm, and provision has been made for the immediate establishment of two agricultural colonies for the reformatory treatment of juvenile delinquents, after the model of Mettray, in France. In short, an activity beyond anything previously known in Sweden in regard to penal and reformatory institutions is announced as the direct result of the Congress of London.

In Norway, the influence of the Congress has, so far, been most felt in the increased number and activity of the agencies employed for the salvation of discharged prisoners. The strong hope is entertained and expressed by the friends of prison reform in that country, that its effect will soon show itself in a complete reorganization of the penitentiary system of the state. The conviction is felt that such a reform will be much easier now than it would have been at any previous time in the history of the country, and that, whenever such reform does come, the work of the London Congress will form the basis of the new organization.

Much progress, in the domain of prison discipline and reform, is reported to have been made in Switzerland, since the Congress of London. The influence of that great international reunion has made itself felt there in a manner not to be mistaken. Few of the cantons have remained wholly unaffected by this influence; but none of them have felt it so strongly as that of Neuchâtel. In this canton the legislature has adopted a decree, introducing the principle of provisional liberation into its penitentiary system. The great council of the canton has also decided that the fortune of 800,000

frances, bequeathed to the state by M. Francis Borel, shall be devoted to the establishment of an asylum for unfortunate, neglected, vicious, and criminal children, to be organized as an agricultural and professional colony, similar to the reformatory and industrial schools of England. The reforms inaugurated in this and other Swiss cantons, both as regards criminal law and prison discipline, are represented as largely due to the influence exerted by the Congress of London.

The governments of Italy and Holland have been stimulated by the Congress to prepare new penal codes for their respective countries.

The French, Russian and Italian governments have created special commissioners on prison discipline, and are instituting important reforms in their penitentiary systems.

One result of the Royal Penitentiary Commission of Italy has been the introduction into the Italian parliament of a new penal code, which is to be discussed at the next session, and will doubtless be adopted by the nation, with or without modifications. Another result is, that prison discipline itself has made a marked advance. Three agricultural penitentiary colonies have been established in the Tuscan Archipelago for the treatment of prisoners convicted of offenses not of the graver sort. These colonies have already proved a decided success. The labor performed is almost entirely in the open field, and both the physical and moral results are reported as satisfactory. This system will be gradually extended, and important results are hoped from it. Another reform, and of a different kind, has been inaugurated by the Italian government. There has been established at Rome a large training school for prison officers. Four hundred soldiers have been selected from among the best and most desirable men in the army—nearly all of them skilled mechanics or farmers. These men are receiving, in the establishment just named, a special education to fit them to take the position and efficiently discharge the duties of prison officers, more particularly in the agricultural penitentiary colonies, in which it is intended to give to the prisoners a scientific as well as a practical knowledge of farming.

France, through her National Penitentiary Commission, has been engaged in an earnest study of all the problems embraced in penitentiary science. For nearly three years this great Commission, named by the National Assembly, and composed of an equal number of deputies and distinguished specialists from outside, has been pursuing this investigation. It has begun and concluded, on this grave subject, the broadest international inquest ever undertaken,

and is now occupied in the preparation of various projects of law for the reform of all branches of the penitentiary régime. Special mention should be made of a bill recently introduced into the National Assembly, on the report of M. Béranger (de la Drôme), a member of the National Assembly, who took part in the Congress of London. This bill subjects persons sentenced for a year or less to individual imprisonment during the whole term of their punishment, agreeably to the system now practised in Belgium, after having first borrowed it from France.

The Imperial Penitentiary Commission of Russia, of which our honorable colleague, Count Sollohub, is president, has, in like manner, been actively engaged in a similar study, and for nearly or quite as long a time. The count submitted at London the bases of the scheme of prison reform, as originally drawn up by the commission. On his return from London, the commission resumed its work, and the result has been a definitive and detailed scheme of prison reform. The examination of this *projet* has been confided by the Emperor to a committee which has accepted its bases, though modified in some of the details, and has submitted to the Council of the Empire the proposition to establish, as a point of departure, a central administration under the control of the ministry of justice.

The Dutch, Belgian, German and Austrian authorities are extending reforms in their previously advanced penal institutions; and the eminent prison officials from those countries, who attended the London Congress, seem to have returned to their duties, animated afresh to further efficient and successful endeavors in the path of improvement.

In Great Britain there are numerous indications that the Congress of 1872 has both deepened and extended an interest in the penitentiary question; not the least of which is a vigorous movement, at this moment being put forth by eminent leaders of public opinion in that country, to secure the creation of a royal commission, similar to those of France, Russia and Italy, for the study of the whole subject of prison treatment, and to devise such reforms in this branch of service as may be deemed wise and necessary. This movement has already made such progress as to render certain its ultimate success.

The same general remark as to an increased and widening interest in prison discipline and reform is applicable to the United States as to Great Britain. Suffice it to say that among the evidences of a progress in my own country, due to the Congress of London, is the

fact that at its late meeting at St. Louis, the American Prison Association instructed its appropriate standing committees to submit to the next annual prison congress schemes of law, accompanied by the necessary explanatory reports, for, 1, a complete penitentiary system ; 2, a complete system of preventive and reformatory institutions for children and youths ; 3, a complete penal code adapted to the present needs of society. These several codes, or systems of law, when adopted by the Congress, are to be laid before legislatures of the several states of the American Union, and will be earnestly urged upon their attention and favorable action.

Even in distant Japan, represented in the Congress of London by several native delegates, the influence of that great gathering has been felt in the awakening of so strong an interest in its objects, as to have resulted in the creation of a new penal code for the empire, greatly in advance of the one previously in force, especially by the substitution of imprisonment for capital punishment in the case of a considerable number of crimes, before punishable with death.

In view of the facts thus set forth, I look for a unanimous vote of this Commission in favor of calling another penitentiary congress similar, in character and design, to that held in London in 1872.

But when shall the proposed congress be convened ? That depends, somewhat, on the answer to another question, viz., how shall it be constituted ? It seems desirable that the next prison congress should be a body representing, literally, the whole civilized world. I would have it, in the full sense, an ecumenical penitentiary council, drawn from broader territories and more distant regions than were ever represented in any ecumenical ecclesiastical council summoned by papal authority. It is evident that the work of organizing such a body would involve a vast amount of labor in the form of travel, correspondence, negotiation, etc., etc. Such a work could scarcely be accomplished before the summer or autumn of 1876, and it would hardly be safe to summon the Congress at an earlier date.

The next question is, where shall the Congress be held ? Doubtless the voice of the Commission will be in favor of some one of the large cities of the continent. My personal choice would be one of the larger cities of Switzerland ; but the preference is not so strong that it will not readily yield to that of a majority of my colleagues.

Another question to be settled is—Of whom shall the Congress be composed ? It is to be presumed that the second Congress, like the first, will be, not a legislative body to make laws that shall bind all or any of the countries represented, but rather a consultative assem-

bly, to interchange experiences, to formulate principles, to gather and diffuse information, and, in short, to quicken and guide the work of prison reform throughout the world. As regards this point, the Congress of London would seem to furnish a very good model. That body consisted of two classes of delegates—official and non-official; the former appointed by governments, the latter by a variety of organizations, all of which had a well-defined relation to the work in hand. A congress so constituted has two principal advantages. On the one hand, the interest and coöperation of governments in needed reforms are thus secured in advance, and such interest and coöperation are not only important but essential, for if real prison reform is ever to be effected, recourse must ultimately be had to the legislative power; and on the other, a body embracing specialists and experts will be likely to be characterized by broader knowledge and a more practical wisdom; and, as a consequence, its conclusions will be invested with greater moral power. I would, therefore, venture to suggest that not only governments as such, but also penal and reformatory institutions, prisoners' aid societies, boards or commissions of police, social science associations, societies of jurists, law departments of universities, judges of high criminal courts, and the French academy be invited to be present by their representatives; and, further, that invitation to lend their presence and coöperation be extended to individuals not included in any of the categories just named, who, nevertheless, are known to be specially versed in penitentiary science and interested in penitentiary reform.

The next question for consideration will be—On what bases shall the proposed congress be organized? On this point I would first cite a passage in a letter received from an honorable member of this commission, M. Stevens, who says:

“If another Congress shall be held, I would propose: 1. That all discussions take place in the French language. 2. That the questions to be considered be published at least three months before the opening of the Congress. 3. That the number of questions be restricted as much as possible, and all those excluded which are not of an international interest. 4. That each country prepare a complete exposition of its penitentiary situation, similar to that furnished by Belgium to the Congress of London, and communicate it to the permanent International Commission some months in advance of the assembling of the Congress. 5. That the Congress meet in Europe, in one of the large cities of the continent.” Mr. Stevens adds: “I think that in this way the discussions will be better prepared, and that the Congress will be able to vote resolutions, whose authority will be incontestable.”

On all the points touched upon by M. Stevens, I am in accord with him, except the first. On that I doubt. The opinion has been

already expressed by me that the Congress should be, in the broadest sense, a world's conference ; that representatives should be found in it from every civilized and even semi-civilized nation under heaven. I fear that the restriction of the Congress to the use of a single language would materially interfere with the success of that idea. I am, therefore, strongly inclined to give to the proposed reunion as broad a liberty in this respect as was allowed to the Congress of London. No doubt there are inconveniences attending the employment of several languages in any deliberative body ; but the chief of them is the delay occasioned by the necessity of translation. The addition, however, of two or three days to the sessions would be, to my mind, a less evil than the possible exclusion of a number of nations from the Congress. If it should be objected that the countries which would stay away on this ground would not be likely to contribute much to its deliberations, I reply by saying, that the question is not one of communicating only, but of receiving as well. It is a question of doing no less than of getting good. If Japan, China, Egypt, Turkey, Greece, and some of the South American states should not add much to our stock either of facts or principles, they themselves might receive great benefit from a participation in the conference. Let me remind you, in this connection, of what has been already stated in reference to the benefit derived by the far-off kingdom of Japan from the Congress of London.

I would go beyond M. Stevens in his second suggestion, and would have the questions to be considered by the Congress printed and distributed, not three months, but six months, in advance of its opening. I am also strongly in favor of his third suggestion, which proposes a limitation of the questions to be discussed ; the more so, as I hope that these international penitentiary reunions will become a fixed usage, an institution in effect, and that they will be repeated at regular intervals ; in which case there will always be opportunity, when questions are excluded from the discussions of one meeting, for their consideration at another. The fourth suggestion of our honorable colleague appears to me to be one of grave importance. I would add that, in my opinion, the question of preventive and reformatory work, as related to children and youths, should be made prominent in the next Congress, and that the actual *status* of that question should be fully set forth in the reports to be communicated to this Commission. The most important part of our work is, to keep the young from falling into crime ; that of reclaiming and reforming those who have already fallen is subordinate, though

doubtless most necessary and useful, and to be sought through every practicable agency. The problem of prevention has, therefore, a stronger claim to our study and effort than that of cure.

There is one further point, to which, in a single word, I desire to call the attention of my honorable colleagues. It relates to the enlargement of our Commission as now constituted. At present only ten nationalities are represented in this body; yet it is charged with considering and deciding questions, in which all nations have an equal interest. Is it not, then, a matter of simple justice that each should have an equal voice in it?

Gentlemen of the Commission, in the few remarks which I have had the honor to offer on the present occasion, I have stated my opinions, possibly with undue freedom, but certainly without the least disposition to dictate, and with a profound deference to your better judgment. If you agree with me on any points, I shall be glad, because it will be to me a confirmation of the justness of my views. If you differ from me on any or all, I must believe that the judgment of the body is more likely to be right than that of any of its members, and certainly than mine. My prayer is, that a higher than any human wisdom may guide your deliberations and control your action.

c. *REPORT on the Labors of the Permanent International Penitentiary Commission at its late Meeting in Brussels: By E. C. WINES.*

TO THE PRESIDENT OF THE UNITED STATES:

SIR:—The undersigned has the honor to lay before your Excellency the following report in relation to a session of the Permanent International Penitentiary Commission, held in the city of Brussels, on the 25th, 26th and 27th days of June, of the current year.

It is known to the President that the Commission here referred to was created by the International Prison Reform Congress of London in 1872, and that it was charged with two principal functions, viz.: first, that of devising and carrying into effect a practical scheme for a uniform system of international penitentiary statistics; and, second, that of furthering, in all practicable ways, international prison reform, but, more especially, of taking such action as might be deemed suitable and necessary in reference to the summoning of, and preparation for, another International Penitentiary Congress similar, in character and aim, to that of 1872.

The Congress of London did my country the honor, as having been first in this great international movement for prison reform, of making the undersigned President of this Commission. The first meeting of the Commission was held at the time and place mentioned in the opening paragraph of this report.

Passing a few days in London on my way to Brussels, I had the honor of an interview with the Right Honorable the Earl of Carnarvon, President of the Congress of London, and now Secretary of State for the British Colonies in the present Cabinet, when his Lordship bade me bear to the members of the International Commission for Prison Reform the assurance of his continued and profound interest in the work undertaken by the London Congress, and particularly in the labors of the Commission at its then approaching session. Since my return to the United States, his Lordship has done me the honor to address to me a letter of congratulation in which he expressed his satisfaction at the results of the Brussels conference, and the hopes inspired by it for the future of prison reform. I make this preliminary statement concerning the feelings and expressions of this distinguished British statesman, not at all to connect my name with his, but because what he has said touching the Commission and the objects had in view at its late meeting is but a reflection of the sentiments at this moment felt by the statesmen and governments of Europe in regard to this great question of prison reform, which constitutes, to-day, one of the living and leading interests of society.

Begging pardon for this incidental reference to what was, in some sense, a private matter, though certainly not without a public significance and bearing, I proceed with my report. And, first, as to the matter of international penitentiary statistics, which was the primary motive for creating the Commission.

The Secretary of the Commission, M. Beltrani-Scalia, who holds the position of inspector-general of prisons for the kingdom of Italy, and is widely known for his ability and skill as a criminal statistician, submitted a report, stating that he had obeyed the instructions of the Commission in preparing and forwarding to the different governments blank formularies for penitentiary statistics; that seven governments—viz., those of Belgium, Holland, Denmark, Hungary, Saxony, Sweden and Italy—had filled and returned the tables as requested; and that other governments had promised coöperation in the future. The members of the Commission went into a lengthened conference on this subject, in which they were greatly instructed and aided by

M. Emile Yvernès, chief of the Bureau of Penal Statistics and Criminal Registers in the Ministry of Justice in France. M. Yvernès is a distinguished member of the International Statistical Congress, in whose objects and labors the government of the United States has ever taken a lively interest and an active participation; and he is, I think, either president or secretary of its Permanent Commission. The French minister of justice, learning from the French member of our Commission of the intended meeting in Brussels, and deeming it desirable that the two Congresses (statistical and penitentiary) should be in accord in the matter of judicial and penitentiary statistics, deputed M. Yvernès to attend our meeting and lend his coöperation in this important department of our labors—another pregnant proof of the wide interest felt, in high quarters, in the penitentiary question, and especially in the efforts recently put forth in the direction of prison reform.

The results reached by the extended discussion following upon the presentation of M. Beltrani's report are as follows:

1. The Commission returned its best thanks to M. Beltrani-Scalia for the important and disinterested labor he had performed, accepted the statistical tables he had prepared, and begged him to publish the same for circulation in the different countries.

2. It charged its President to thank the governments which have responded to the appeal addressed to them, and, in the name of the Commission, to make a fresh appeal to such governments as have not yet furnished the information sought.

3. It named M. Stevens, chief inspector of prisons in Belgium, as successor to M. Beltrani in the office of secretary, and directed him to take account of the observations which had been made in this discussion by his colleagues, with a view to simplify and complete the statistical formularies, and thus to facilitate the preparation of the responses and secure the gradual definitive adoption of these formularies in all countries.

4. After having heard the exposé of M. Yvernès, and returned to him its thanks therefor, the Commission requested M. Stevens to have an understanding with him on the question of relapses, and begged M. Yvernès to continue to take part in our labors, and thus to serve as a bond of union between the Statistical Congress and the Penitentiary Congress, since it was important that we should be of one mind on the question of prison statistics.

It will be thus seen that solid progress has been made by the Commission in this important department of its labors. There is

ground to hope that, before many years have passed, we shall be able to issue an annual volume, containing penitentiary statistics gathered from all, or nearly all, the civilized nations of the earth; statistics, which will offer the means for an intelligent comparison and study of the results afforded by different penitentiary systems, and will serve as a useful guide to legislation in all matters pertaining to criminal law and prison discipline.

The next principal point that engaged the attention of the Commission, was as to whether another International Penitentiary Congress should be convened, and if so, when, where, and upon what bases?

The first of these questions was, after mature deliberation, decided, both unanimously and emphatically, in the affirmative. The second, with equal unanimity, was decided in favor of the summer or autumn of 1876. As regards the third, a unanimous preference was expressed for the city of Rome, although, as it was considered important that the government of the country in which the Congress might be convoked, should be not only in sympathy with its objects, but actually desirous of its presence, this question was left for the moment undecided, being referred, for final determination, to a sub-commission, of which more immediately.

The last point named—the bases on which the new Congress should be constituted—proved, as was natural, more difficult of solution. Dr. Frey, the delegate from Austria, submitted a most elaborate and comprehensive outline of a plan of organization for the Congress and its permanent Commission—a paper that might almost be characterized as the draft of a constitution, or fundamental law, for the permanent organization and conduct of these bodies. Baron von Holtzendorff, the member of the Commission from the German empire, being unable to be present in person, sent forward a paper giving his views as to the proper constitution of the Congress, though less in detail than Dr. Frey, nevertheless with a good deal of fullness, and in a highly philosophical spirit and manner. Communications, going more or less into the question of the organization of the Congress, were also received from M. Bruün, Inspector General of Prisons, in Denmark, M. Petersen, Director of the Penitentiary of Christiania, in Norway, and M. Bournat, a member of the Parliamentary Commission for the study of penitentiary reform, in France; all of which, as well as the more elaborate papers named above and a memoir on prison reform read to the Commission by Count Sollohub, one of its members, were referred to the sub-com-

mission mentioned a little back, whose appointment and object must now be somewhat more specifically stated.

As it soon became evident, after entering upon the consideration of this question, that the Commission was not, at that time, prepared to frame a rule for the organization and government of the proposed Congress, and especially as the matter was one not requiring haste, a sub-commission, consisting of Messrs. von Holtzendorff, Pols and Stevens, was constituted, which was charged with the duty of preparing a draft of definitive rules and regulations on this subject, to be submitted to the Commission at its next meeting.

But that the sub-commission might not be wholly uninformed as to the opinions of their colleagues, the members of the Commission went into an extended conference upon the principles formulated in the several papers and letters which had been submitted to them upon the subject. From this interchange of views, it appeared that the members were in accord upon the following points :

1. That speculative and theoretical questions should, as much as possible, be excluded from the discussions of the Congress, and that the questions to be considered should be limited to those of a practical character and of general interest.

2. That each question admitted into the programme should be made the object of one or two reports or papers—if possible. one on each side of the question—prepared by competent persons, designated to that duty.

3. That the said reports, as well as all the questions to be considered by the Congress, be printed and distributed throughout the several countries proposing to take part therein, several months in advance of the meeting of the Congress.

4. That the Congress may be fitly divided into three sections, at least so far as the first discussion of the questions to come before it is concerned. In section first, questions relating to penal codes and criminal legislation may be considered ; in section second, questions relating to the organization and administration of prisons ; and in section third, questions relating to preventive and reformatory work, as related to children and youths.

5. That, as it is important that its decisions have a real value and exert their legitimate influence on public opinion, the Congress ought, above all, to be composed of official delegates named by the different governments, which are interested in the study of prison reform.

6. That, when the Congress is in session, in general assembly, the

vote on any and all propositions, that may have been formulated in the sections, should be taken by yeas and nays, so that it may always be known what persons constitute the majority, and what the minority.

7. That, however proper and desirable it may be to establish an official language for the Congress, and whatever the language so adopted may be, exception to its use must be made in special cases, since it would be contrary to the end proposed by the Congress of London to exclude from the deliberations of future Congresses men of knowledge and experience, who might not be able to express themselves in the language that had been declared official and obligatory.

However, the above points were not made binding upon the sub-commission, but were simply submitted to them as suggestions for their consideration. The said sub-commission is left free to bring in any report on the question of organization that to it may seem fit; only it will remain always in the power of the original Commission to adopt unaltered, to modify, or to reject the work of its agent.

Whatever result the sub-commission may have reached through its preparatory labors, it is instructed to give notice of the same to the several member of the Commission, at least one month before the next meeting of the latter.

The present Commission was somewhat hastily constituted by the Congress of London just at the close of its sessions. It was made to consist of ten members, one each from the following countries, viz.: Austria, Belgium, England, France, Germany, Holland, Italy, Russia, Switzerland, and the United States. The Commission is charged with considering and deciding questions in which all nations have an equal interest; it would seem, therefore, that it would be but natural and proper that all should have an equal voice in such consideration and discussion. The actual Commission, after full discussion upon this point, came to the conclusion that both justice and policy required that the permanent Commission of an International Congress should be composed of one delegate from each nation represented in said Congress. The Commission therefore instructed its President to address all the Governments not now represented in it, and to request that each name a delegate to be present at any and all future meetings of the body.

The Commission was pleased to express the desire and make the request that its President would undertake the preparation of a report, offering a comprehensive review of the progress made in

penitentiary reform since the Congress of London, throughout the civilized world—such report to include, if possible, the year 1875.

Mr. Beltrani-Scalia brought before the Commission a matter of great interest and importance to our work. He stated his conviction that it would be highly useful to establish an organ of publicity for the different countries which took part in the Congress of London, and for all other countries that desire to keep themselves informed in regard to the progress realized in the penitentiary domain. He therefore proposed the publication of a monthly journal, under the following title: "International Bulletin for the Study of Penitentiary Reform, published, with the co-operation of the members of the International Commission, by M. . ." The said Bulletin to be printed in French, and to contain the official documents, laws, regulations, instructions. etc., adopted by the different countries, and sent to the Editor. The Commission adopted unanimously the proposition of M. Beltrani, and charged him with the duty of editing the proposed journal. It offered him its warmest thanks in consideration that he not only accepted the editorship, but also all the financial consequences of the enterprise. M. Beltrani requires that communications for the Bulletin be addressed to him in French, it being understood that he cannot charge himself with the translation of the documents that may be sent to him. The Commission earnestly hopes that this international organ of publicity will hold in friendly relations all those persons who took part in the Congress of London, and all others who are interested in the solution of penitentiary questions.

The Commission determined to hold its next meeting at Bruchsal, in the Grand Duchy of Baden. Its President was charged with the convocation of the Commission, and also with addressing letters to his Excellency the Minister of Justice of the Grand Duchy of Baden, and to M. Eckert, director of the penitentiary of Bruchsal and official delegate of the German empire to the Congress of London, soliciting their interest and kind offices as regards the said meeting.

It would be ungracious in itself, and certainly contrary to my own feelings, to close this communication without an acknowledgment of the courtesies extended to the Commission by the Belgian government. Long prior to our meeting, the government had kindly placed at our service one of the halls in the palace of the Ministry of Justice, and on the Commission being presented, before the opening of its sessions, to his Excellency M. de Lantsheer, Minister of Justice, that gentleman declared, in cordial terms, the pleasure which it

afforded him to welcome the members of the Commission to the Belgian capital, offered to them all possible facilities for visiting the penal and reformatory institutions of his country, and expressed a desire that the Commission might have a pleasant and fruitful meeting. M. Stevens, chief inspector of prisons, himself a member of the Commission, was most assiduous in his endeavors to contribute to both the pleasure and instruction of his colleagues. It was a source of regret to us all that M. Berden, director general of prisons, was absent from his post during the first part of our meeting, and that, on his return, he was too much indisposed either to receive or to pay visits.

I have the honor to be,

Your Excellency's most obedient servant,

E. C. WINES,

*President of the International Penitentiary
Commission.*

*d. REPORT on the International Penitentiary Commission to the
Federal Council of Switzerland.*

By Dr. GUILLAUME, Director of the Penitentiary of Neuchâtel, Switzerland.

I here append the report of Dr. Guillaume to the Swiss government, because it contains a résumé of the statistical labors by M. Beltrani, from which their importance and value will be clearly seen, and the promise they hold out will be readily appreciated.

Mr. President and Gentlemen: I have the honor to present to you the following report on the labors of the International Commission, named by the Congress of London for the study of penitentiary reform, to whose conference you did me the honor to appoint me a delegate.

The Commission met at Brussels on the 25th of last June, in one of the halls of the Ministry of Justice, under the presidency of Dr. Wines, who, in spite of his years, did not fear to encounter the fatigues and perils of a long voyage to attend it. All the members of the Commission were present, with the exception of Professor von Holtzendorff, who was unable to attend on account of ill health, and Mr. Hastings of England.

In an audience which M. Lantsheer, Minister of Justice, accorded to the Commission, that statesman expressed the warm interest which Belgium felt in the labors of the Commission, and in the end proposed by the Congress of London. He offered to the members

of the Commission all the information they might desire and every facility to visit the penitentiary establishments of Belgium.

The opening address of Dr. Wines related the measures taken in different countries, as the result of the Congress of London, and attributed, in great part, to that reunion the changes that have taken place. It is incontestable that the Congress of London has produced the conviction in all those who are engaged in the study of penitentiary questions, that society can war successfully against crime and its causes only by proceeding in a scientific manner, and according to a plan of campaign adopted in all countries. By giving to persons engaged in this special work the opportunity of mutual acquaintance and discussion, the Congress has lifted the question out of its theoretic aspect. Leaving out of view systems, often too little based upon the observation of facts, the Congress rightly conceived that the first thing to be done was to collect, if that were possible, statistical details, with a view of arriving at a knowledge of the laws according to which crime is developed in society, and of ascertaining more certainly the means of combating it. It is in this view that M. Beltrani-Scalia, Inspector-General of Prisons for the kingdom of Italy, well known for his scientific activity in the penitentiary domain, was charged with the difficult task of arranging a system of international penitentiary statistics. The difficulties which are always encountered in seeking facts of this kind did not discourage him, and after having consulted the tables employed in different countries, he adopted a series of formularies which he sent to the governments of the countries that had taken part in the Congress of London, with the request that they would kindly cause them to be filled up and returned.

M. Beltrani succeeded, by a persistent prosecution of his object, in obtaining replies from Belgium, from Holland, from Denmark, from Sweden, from Hungary, and from Italy. It was not possible to furnish him the desired information for Switzerland, which, more than any other country, finds it difficult to arrive at clear and uniform statistical results. I have hope that, through the assistance of the Federal Bureau of Statistics, the Prison Reform Association of Switzerland will be able to give our country a place in the next tables of international statistics.

The labors of M. Beltrani seem to me one of the most important results of the Congress of London. M. Beltrani has accomplished what numerous international statistical congresses had vainly labored to effect. Although this first essay comprises only six countries,

the tables give numerous official returns, which are based upon a total number of 101,813 convicts, of whom 57,438 were misdemeanants, 38,853 criminals, and 5,542 juvenile delinquents.

The International Commission received the work of M. Beltrani with lively and grateful satisfaction, and requested him to cause the same to be printed. M. Beltrani, having confided his manuscript to me, I have been in a condition to understand the importance of this first essay. All who have been under the necessity of undertaking labors of this kind will appreciate the zeal of the Italian delegate, and will observe that Italy, of all countries, occupies the first rank in the efforts which her sons put forth for the promotion of social progress.

The plan of this report does not permit me to enter into detail on the results of the statistical labors of M. Beltrani. Moreover, his tables will be speedily published, and we shall then be able more readily to study them, and to draw from them their legitimate lessons. I will, however, here give a few of his figures, that I may at once call the attention of legislators to this important investigation.

The statistics of M. Beltrani relating to convicts include prisoners subjected to different penitentiary systems. Thus the number of cellular prisons is 48; of prisons on the Auburn system, 8; of prisons with common dormitories and labor in association, 85; of prisons on a mixed system—cellular and Auburn, Auburn and common, 12; of prisons intended for invalids, 2; of prisons for military prisoners, 1—making a total of 150 establishments.

To this large number of prisons must be added 82 reformatory schools and other public and private establishments, intended for young delinquents sentenced or detained by way of correctional education.

On the 1st January, 1872, the populations of these penitentiary establishments were as follows:

COUNTRIES.		Men.	Women.	Total.
Cellular system	{ Belgium	533	2,195
	{ Sweden	799	144	
	{ Denmark	313	.....
	{ Italy	386	.....
	Total	2,051	144	

COUNTRIES.	Men.	Women.	Total.
Auburn system..... { Belgium	582	2,902
Denmark	540	.....
Italy	1,714	.....
Total	2,836	76	
System of common dormitories { Sweden.....	2,499	524	30,448
and associated labor. { Holland	1,467	157	
Hungary	2,664	.....
Italy	22,585	452	
Total	29,315	1,133	
Mixed system { Saxony	1,788	419	3,263
Denmark .....	.....	.....
Italy	655	136	
Total	2,443	820	
Prisons for invalids Italy	115	115
Grand total.....			38,923

From the above table it will be seen that out of 38,923, there are 30,448, that is to say, 78 per cent. who are still confined in prisons where the most dangerous promiscuity exists, and where the contact by day, and especially by night, constitutes a cause of crime.

The table which shows the degree of education of the prisoners is interesting. It is as follows :

COUNTRIES.	Wholly illiterate.	Could read only.	Could read and write.	Had a higher education.
Belgium	284	290	121	39
Saxony	50	98	1,528	531
Holland	158	253	1,113	100
Denmark	75	310	728	5.
Sweden	28	628	3,298	12
Italy.....	16,803	1,809	5,722	1,785
Total.....	17,378	3,388	12,510	2,472

By footing up the last three columns in the above table, it will be seen that the number having some degree of education is 18,370.

By comparing this with the footing of the first column it appears that nearly one-half of the prisoners are totally illiterate.

The details relating to their means of existence, in like manner, indicate that the bad education received by them in childhood has been one of the causes of their crimes.

The table giving the recommitments shows how much need still exists for reform in criminal legislation, in police, and in penitentiary treatment, in order to prevent relapses.

The state has not yet taken all necessary measures to aid the prisoner at the moment of his liberation in regaining an honorable position in society. By the citation of only a few facts from the tables presented by M. Beltrani, we shall see that the *peculium** of liberated prisoners is insufficient to meet their wants at the moment of their re-entrance into society.

The number of prisoners who had a *peculium* less in amount than five francs, was 1,854; of those having a *peculium* from five to fifteen francs, 1,745; from fifteen to thirty, 2,255; from thirty to sixty, 918; from sixty to eighty, 410; from eighty to one hundred, 324; above one hundred, 435.

The product of the labor of the prisoners turned over to the public treasury was, during the year 1872, in Belgium, 45,353 francs; in Saxony, 358,667; in Holland, 83,710; in Denmark, 7,241; in Italy, 1,244,839.

The number of those who were admitted to patronage was 2,880; of those not admitted to patronage 5,618.

The statistics relating to criminals, suffering from mental alienation, are equally instructive, and show the intimate connection existing between mental disease and moral disease.

The statistics of suicide have an equal interest. The number of suicides was as follows: in Belgium, 2; in Saxony, 3; in Denmark, 1; in Sweden, 2; in Italy, 7; total, 15.

Of the above, the sentences were as follows:

From 2 to 3 years, 1; 3-5, 2; 5-7, 3; 7-10, 3; 10-15, 2; 15-20, 1; above 20, 1; for life, 2.

Of the same there were: wholly illiterate, 8; could read, 1; could read and write, 3; had a superior education, 3.

Of the prisoners who committed suicide three had given indications of mental alienation.

I must confine myself for the present to the foregoing details, praying you, Mr. President and Gentlemen, at the same time, to

* The part of the earnings allotted to prisoners.

respond favorably to the appeal which will be addressed to you by the Commission, and to instruct the federal bureau of statistics to reply to the questions which will be addressed to it by M. Stevens, Inspector General of the prisons of Belgium, who has been charged by the Commission with the duty of collecting the penitentiary statistics for the year 1873.

The Commission requested M. Stevens to simplify the formularies as much as possible in order to facilitate the responses, and so to hasten their definitive adoption in all countries.

Mr. Yvernès, chief of the bureau of penal statistics and criminal registers (*casiers judiciaires*) in the ministry of justice of France, under instructions from the minister, came to Brussels to attend the conference, and to be, in respect to the Commission, an intermediary between the International Statistical Congress and the International Penitentiary Congress. It was recognized by the Commission as important that the two Congresses should be in accord as regards the bases of international penitentiary and judicial statistics, and M. Stevens was requested to have an understanding with M. Yvernès upon that point.

M. Yvernès explained the system of criminal registers (*casiers judiciaires*), and showed its great advantage in facilitating and assuring the proof of previous convictions.

The mechanism of this system is as follows: All sentences pronounced by the tribunals (except those of police courts) are recorded upon separate bulletins or cards, which are transmitted to the office of the public prosecutor of the prisoner's birth-place. These cards are arranged alphabetically in the boxes or pigeon-holes of a case made in the wall of the office. Whenever a person is arraigned for a crime or misdemeanor, it is the duty of the court before which he is tried, to ask of the proper authority an extract from the judicial record of his birth-place. This transcript contains an abstract of all the bulletins of previous convictions, or is blank, as the case may be. It is attached to the papers in his case, so that the court, charged with pronouncing judgment in the new trial, has always under its eye the judicial biography of the prisoner, and can give sentence with perfect knowledge of the case, and that in a moral as well as legal point of view.

It would be desirable to study this question, with a view to determining whether the system, thus set forth by M. Yvernès, might not be advantageously introduced into Switzerland. The method of proving a prior conviction leaves much to be desired in

the greater part of our cantons. Too often note is taken only of convictions had in the canton where the trial takes place, without regard to those which may have been had in other cantons; and in this manner it comes to pass, that a hardened criminal, who may have been several times previously convicted, but who appears for the first time before a criminal court in a given canton, does not figure there on the list of recidivists. It would be easy to establish criminal registers in all the cantons for persons of Swiss origin, and a central register in the federal bureau of statistics for all persons born in foreign countries.

This system of criminal registers has been adopted and is in use in several countries besides France, where it was first introduced.*

Most of the remainder of Dr. Guillaume's report to the Council of the Swiss Confederation is substantially the same as mine to the President of the United States, and need not be reproduced here. The closing paragraphs, however, introduce matter quite new, and are as follows:

The Commission held five sessions, of which one was at Louvain, in the celebrated penitentiary of that name. In the last but one, Count Sollohub, official delegate from Russia, read a memoir which he had prepared in the form of a letter, addressed to one of the official delegates from the kingdom of Italy to the Congress of London, in which he sets forth his views and the results of his observations on the penitentiary system.

Count Sollohub is a philanthropist and an intelligent observer. He expresses his thoughts in an original and, at times, an eloquent manner. As he placed his manuscript in my hands for a few moments, I transcribed the following passages, which deserve to be published, and with which I close my report. Speaking of the proportion of earnings that should be allotted to prisoners, M. Sollohub, referring to a visit which he had made to the Moabit prison at Berlin, and where he found a prisoner utterly given over to despair, says:

"The doleful voice, issuing from the depths of Moabit, rang ever in my ear, like that memorable line in Dante, which bids the wretch who enters his *Inferno*, to leave hope behind. Has not the philosophic fable of Pandora, which tells us that hope is the last blessing that remains to man, a meaning at once profound and providential? I asked myself whether society had a right to be

* The author or inventor of the system, as is well known, is the distinguished jurist and philosopher, M. Bonneville de Marsangy.

niggardly of hope, especially towards those who must again reënter its bosom? Is there not something, both inhuman and false, in that doling out of farthings to people who have not simply to sustain but to reconstruct their entire existence? It is said that such is the demand of public opinion. If that be so, then I declare that I have very little respect for public opinion; and it will soon be seen who has most reason. Punish the criminal; nothing is more just. Let his punishment weigh heavily upon him as long as it lasts. But do not wait till his punishment is ended, to say to the liberated prisoner that *then* he can set about the work of regenerating himself, and of providing for his existence. That would be too late. It is during his captivity that the care of a guardian should be exercised, by securing that moral development that comes only through efforts stimulated by personal interest. It is only on this condition that the liberated prisoner reënters society clad in complete armor. He reënters it with all that he has gained during his imprisonment—moral force, knowledge of a trade, industrious habits, above all, the cash capital earned by unparalleled efforts of will and of patience, which have created for him a force of character that he never possessed before; that is to say, with the power to wrestle in the battle of life to greater advantage than at any former period. It is only then that he can reënter society; only then that society can accept him without hypocrisy, and say to him with truth: ‘Come back to us; the past is forgotten; you are again our brother.’

“Penitentiary science is still so little a science, that few persons give themselves to the theoretical, and still fewer to the practical, study of it. On the other hand, there are patrons of phrases ready made to the mouth, which you hear pronounced whenever it is a question of prisons. Thus you hear it said that the cellular system is best, but that, unfortunately, it produces insanity; but you rarely hear it rationally set forth when that system may be desirable, when it may be useless, and when it may be pernicious. You hear it also constantly proclaimed that prison labor comes into unjust competition with free labor. This sounding phrase has an air of being logical, and even caused, in France, at the fall of the house of Orleans, the abolishment of labor in prisons. Statistics showed that, at that time, there were 15,000 free tailors in Paris, and only forty-five in the prisons—certainly not a very formidable competition. There remains still this simple bit of reasoning, that a workman in a dungeon is no less a workman, though he is one who has acci-

dentally changed his chamber, but who has not thereby lost his right to live, that is, to work. In fine, there is a declaration which the heads of prisons have heard a thousand times. For example, they show to visitors an institution, kept with an implacable severity, but with a scrupulous cleanliness, and an order that is perfect. Yet one visitor in three will, with a shake of the head, make this profound observation—‘Do you not fear that this cleanliness will propagate crime, if not otherwise, yet at least for the purpose of gaining admission into this establishment?’ Such a judge will have seen only the surface of things; he will not have comprehended that the criminal is in love with the gross debauchery of vice, because he therein finds the possibility of satisfying the basest proclivities, whereas it is in a rigorous discipline, in the constant subjection of the will to authority, that he feels the whole weight of his punishment. Freedom being the moral air which enables man to breathe, there cannot be, and there never will be, a dilletantism for imprisonment, which can be excited only by necessity, vice, and passion. There are no amateur candidates for the prison-house.”

2. MICHIGAN STATE PUBLIC SCHOOL.

The full title of this instituton, as defined in the act creating it, is: "State Public School for Dependent and Neglected Children." Some account of this establishment (that is, of its character, design and scope, for it had not then been opened) was given in the Transactions of the Baltimore Congress, in the report of the committee on prison discipline, prepared by Mr. Brockway, of the board of state charities of Michigan. Sufficient buildings having since been completed, it was opened in the month of May, of the current year, with some 200 children of the class for whom it is designed. In a circular letter, addressed just before its inauguration, by the Hon. C. D. Randall, secretary of its board of control, to the superintendents of the poor of the several counties of that state, he gives a more full account of the institution than that published last year, from which the following sentences are taken :

By an act of the Legislature of 1871, amended in 1873, this school is established for the maintenance and education of dependent children, until homes can be provided for them, or until they are sixteen years of age. The state by this law becomes the legal guardian of all children, of both sexes, who become inmates of the school. This new state charity changes the system from county to state support, and the only expense for the counties is that of sending children here, and returning those who are inadmissible under the law. There are now in this state about 600 children under sixteen years of age, who receive entire or partial support from the public. Of these there are, according to reports lately received at this office from the superintendents of the poor, 294 entirely or partially dependent children, who are, by reason of good health and age, admissible. There is, however, at present room for only about 200, and preparation is made for that number, which doubtless covers all those who are entirely dependent. Whenever the capacity of the buildings is sufficient, all of those admissible under the law are to be received here, it being illegal then to retain them in the county poor-houses.

The children in this school are to be educated in the common branches and taught how to labor; they are to remain until sixteen years of age, or until apprenticed to learn some useful trade, or adopted into families. But whether retained in the institution or sent out, the welfare of the child will always be the paramount object, and he will be removed to a family or apprenticed, under the law, only when a good place is found, where proper treatment and a common school education shall be secured him. As soon as such homes are found, the law requires that the children shall be placed in them.

This last is a good feature of the act establishing the institution. The full text of section thirteen of the said act, in which this provision is found, is in the following words :

SEC. 13. It is declared to be the object of this act to provide for such children only temporary homes until homes can be procured for them in families. It shall be the duty of such board of control to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families on condition that their education shall be provided for in the public schools of the town or city where they may reside. The board of control are hereby made the legal guardians of all the children who may become inmates of the school, with authority to bind out any children to a pursuit or trade during minority, under a contract insuring the child kind and proper treatment and a fair elementary education.

The school is established upon the family plan, with cottages designed for thirty inmates each. It is a charity of a novel kind, from which the best results may be looked for. Michigan seems to be taking the lead of most of her sister states in social reforms; and it would not be strange, as things look, if she should take precedence of all the others in establishing model systems of criminal prison discipline, and of preventive and reformatory work. May she have many imitators in her good ways.

3. MR. MULLEN'S WORK.

Mr. William J. Mullen is widely known, both at home and abroad, as the Prison Agent of Philadelphia, whose paramount duty it is to look after persons arrested and imprisoned on a charge of crime, and so held for examination or trial. The Transactions of last year contained a highly interesting article from his pen, under the title "Duty of Society to Persons arrested but not yet brought to Trial," in which he gave an account of his labors and their results in this special department for nineteen years. In sending an apology for non-attendance at the Congress of St. Louis, he adds further statements, as follows :

I have been instrumental within this last year, in procuring the release from our Philadelphia county prison, of 1,933 persons, nearly all of whom were unnecessarily imprisoned. Many of them were entirely innocent of what they were accused. I procured their prompt release from prison, with the consent not only of the proper authorities, but in most instances that of their prosecutors, who had become convinced (by mild and kind persuasion on my part) of their error in unnecessarily going to law. By this method of pouring oil upon the troubled waters, I have not only succeeded in making the parties good friends, removed the ill-feeling that existed, but also prevented a vast amount of undeserved suffering, that would otherwise have taken place. In this way, I have been instrumental in procuring the release from our prison of over 35,000 persons, within the last twenty years ; and this was done at a saving to the tax-payers of this city, of \$351,669.07, which amount would have had to be expended for the ignoring of their cases, and for their maintenance in prison while waiting till their cases could be regularly disposed of by the courts ; and the precious time of the judges has been saved, that might otherwise have been unnecessarily occupied in the trying of these cases. I make this statement, with a hope that the Convention may deem this subject worthy of their consideration, and take such action as will result in recommending the appointment of agents, for such well regulated prisons in large cities, as would be able to sustain such agents.

There was scarcely occasion for the Congress of St. Louis to take action upon this subject, as suggested by Mr. Mullen, since only a year ago that of Baltimore adopted the following by a unanimous vote :

Resolved, That the great success which has attended the effort wherever made, and especially in Philadelphia as shown by the paper of Mr. Mullen, for the protection of persons charged with a violation of law by careful investigation in each case before trial by a disinterested agent appointed for that purpose, fully authorizes this Congress to recommend the establishment of such an agency in each state, and especially in

each large city, where, from the great number of such charges and the haste with which many of them are disposed of, there is danger that innocent persons may often be convicted of offenses wrongfully charged upon them.

4. CAPITAL PUNISHMENT.

By JOSEPH MERREFIELD, Vice-President of the Maryland Prisoners Aid Society.

Mr. Merrefield addressed "To the President and Members of the National Prison Congress at St. Louis" a communication on the above subject, in which he took strong ground against the retention of the death penalty in our penal codes, and in favor of taking from the governors of states the power of pardon in the case of murderers.

The Executive Committee of the National Prison Association had prepared and published a programme for a meeting of six days ; but such was the impatience of members, who were mostly officers of prisons and reformatories, to get back to their several fields of labor, that the session was reduced to three days instead of six ; a reduction which cut off the reading of nearly all the papers offered, and even abbreviated the reading of some of the reports of the standing committees to a mere résumé of their contents. The secretary had not time, during the sessions of the Congress, amid the multiplicity of matters claiming his attention, even so much as to glance over the essay of Mr. Merrefield. On a careful perusal of it after the adjournment, he found that his valued friend had, under the influence of strong convictions, employed expressions of so much strength, and especially that he had announced a doctrine on the subject of executive pardons so novel, so almost startling indeed, that he shrank from the responsibility of publishing the paper without the concurrent judgment of his colleagues in the Congress, which, as a matter of course, it was impossible to obtain in advance of another meeting. He therefore retains the document, with a view of placing it, at the proper time, in the hands of the standing committee on criminal law reform, which is charged with the duty of preparing, for submission to the next Congress, the draft of a revised penal code, in which the question of the retention or abolition of the death-penalty must, of necessity, have a place. For the rest, the death-penalty is a question of the ages, and will not spoil by being laid over for a single year. Nevertheless, the secretary feels quite at liberty to offer a résumé of Mr. Merrefield's paper, which, accordingly, he does as follows :

The writer begins with declaring that he feels impelled by a sense of duty to bring the question of capital punishment to the attention of the Congress. In view of the fact that, even when the guilt of the accused is patent, juries, reflecting a common sentiment of the public, fail, in four cases out of five, to convict on a charge of murder, he recommends the abolishment of the death-penalty and the substitution therefore of imprisonment for a term of twenty years. He considers that, in the present state of public sentiment on this question some such modification as this relating to the law of murder is absolutely essential to the protection of human life and the safety of society. He believes that when the death-penalty is abolished, and not till then, "we will see juries administer justice *with* mercy, and not mercy *without* justice. Freed from the horrible dread of taking away a human life judicially, they will open eyes, ears, and understanding to the evidence that *may* convict, as well as to that which *will* acquit, and not strive to believe every sophistry adroitly used by the prisoner's counsel, nor to disbelieve the evidence of a competent medical expert, because, forsooth, there is one chance in a thousand that the criminating evidence which his art makes plain, *might* exist under a slightly differing hypothesis of facts."

Mr. Merrefield closes his discussion by submitting a preamble and two resolutions to the consideration and, if judged advisable, the action of the Congress.

The preamble recites, 1. That juries fail to convict of murder in the majority of cases because of an extreme repugnance to taking human life. 2. That the certainty of punishment, more than its severity, tends to prevent crime. 3. That the too free use of executive clemency defeats, in great measure, this desired and necessary certainty. On this foundation he asks the Congress to declare, by resolution, first, that the death-penalty ought to be abolished; and, secondly, that the power of pardon and even of commutation, in cases of sentence for murder, ought also to be abolished, except *only* when authorized by a special act of the legislature.

5. PRACTICAL MEASURES OF PRISON REFORM PROPOSED.

The Hon. E. J. Lowber, Member of the Board of Directors of the National Prison Association, not expecting to attend the Congress of St. Louis, though afterwards enabled to do so for a few moments on the eve of adjournment, addressed the following letter to the secretary, which was duly laid before that body :

BROOKLYN, May 13, 1874.

E. C. WINES, Esq.:

Dear Sir : I regret exceedingly that an engagement which I cannot well break will prevent my attendance at the National Prison Convention this year, excepting, perhaps, for a few hours only. I am with you, however, heart and soul, and trust that your deliberations may result in advancing this truly great Christian work, in which we are all so much interested, and which I may say the whole civilized world is watching with the deepest solicitude.

The work of the association has already been great, and its influence has been felt and acknowledged, especially in this state. It needs now but to bring its vast knowledge and experience into practical effect, to accomplish all that was designed by its formation.

The treatment of criminals and the repression of crime have been so fully considered, that I think the time has arrived when the association should boldly set forth its opinions upon the proper management of prisons, reformatory schools, and the terms of punishment, and as earnestly insist upon their adoption, not only by one state, but by all of the states of the Union; and the principles, rules and regulations, so set forth, should constitute the prison system of the United States. To this end I would most respectfully suggest that the Convention appoint a committee of five or more, of which you shall be chairman, to draft full and complete regulations covering all the points of prison discipline, as well as aiding prisoners after they are discharged; also a committee of five on industrial and reformatory schools; and a committee of five on criminal law reform, who shall report to the next Congress; and when approved, then the whole force and influence of the Association to be directed to their adoption by the legislatures of the several states.

The great experience and knowledge of the association, as evidenced by the many exhaustive and very able papers heretofore submitted on the points named, will enable the committees to draft such rules and regulations as must carry conviction to every thinking and humane mind of their utility and necessity.

Should you think favorably of the suggestion made, please bring it before the Convention. I have not deemed it necessary to do more than briefly allude to the matter, knowing well that your extensive information upon the subject will enable you at once to grasp the idea in its widest range.

I am clearly of the opinion that the course suggested would earlier result in the adoption of thorough and efficient systems in these several departments of social reform, which, all must admit, are now sadly needed, than to continue simply to discuss the matter and leave our legislators to act upon the general information which they may gather from newspaper reports or the volumes of Transactions issued by the Association from time to time. The subject must be brought to the notice of the

legislatures in no questionable shape, but in such form as will enable them to act intelligently, and at once.

Hoping that these views may impress you favorably,

I remain yours very truly,

E. J. LOWBER.

The suggestions of Mr. Lowber, as contained in the above communication, were favorably received by the Congress, which thereupon adopted the following resolution :

Resolved, That so much of the letter of E. J. Lowber, Esq., of New York, as relates to the draft of a prison system to be submitted to the legislatures of the several states, be referred to the standing committee on prison discipline ; that so much of the same as relates to a similar labor in reference to reformatory and preventive institutions be referred to the standing committee on those classes of institutions ; and that so much thereof as relates to a revised penal code be referred to the standing committee on criminal law reform ; and that the said committees be requested to lay the said drafts, accompanied by the necessary explanatory and argumentative reports, before the next annual Congress of the Association.

6. RELIGIOUS INSTRUCTION (OFFICIAL) IN PRISONS.

The Right Reverend R. J. Ryan, Coadjutor Bishop of St. Louis, having been invited to officiate at the opening of one of the sessions of the Congress, and being unable to comply with the invitation extended to him, replied in the following letter :

ST. LOUIS, May 14, 1874.

Hon. Judge S. M. BRECKINRIDGE,

Chairman of Committee of Arrangements of National Prison Congress :

Dear Sir : I have the honor of acknowledging the receipt of your invitation to open with prayer the session of the National Prison Congress, to be held on to-morrow morning.

Though unable to be present on the occasion, I sincerely sympathize with the beneficent objects which this Congress has in view. I hope that the subject of *prison chaplaincies*, with entire religious freedom of action, will receive the serious attention of this important assembly. In a Congress similar to the present one, held in London some time ago, and embracing some of the leading minds of both hemispheres of every shade of religious and political opinions—being presided over at one session, by Archbishop Manning, of Westminster, at another by Rev. Dr. Bellows, of New York, at a third by Rev. Dr. Wines, of the same city, and subsequently by prominent English, Continental and American laymen—one of the resolutions unanimously passed was, that experience had proved beyond question, that of all reformatory agencies in prisons, whether of juvenile offenders or of adults, religion had proved the most powerful. Your own most respected President, Governor Seymour, of New York, in his address at the opening of the Baltimore session of this Congress in January, 1871, declared the same great truth, and corrected a popular error on the subject of reformatory agencies in these words : “No one values learning more than I do, but it is no specific for immorality or vice. Without moral and religious training, it frequently becomes an aid to crime. To check vice, there must be high moral standards in the public mind.” No standard can be higher than that of Christian morality, and no radical reformation can be effected but by appeals to the human conscience.

I have the honor to remain,

Your obedient servant in Christ,

R. J. RYAN,

Coadjutor Bishop.

The subject of religious instruction in prisons was one of the points on which the several governments represented in the Congress of London were requested to report. So far as the employment of chaplains in the prisons of the countries reporting is concerned, the answers of the governments were as follows :

Austria.

In the Austrian prisons of all kinds, chaplains and religious teachers are provided for prisoners of every sect, of which the number is considerable. As, however, the greater number are of the Roman Catholic faith, every prison has a Roman Catholic chaplain, and, when the number of prisoners is sufficient to require so many, two or more. Besides holding divine service and administering the sacraments, the chaplains are under obligation to visit the prisoners individually, to seek to awaken the moral sense within them, to strengthen them by spiritual counsel and exhortation on their leaving the prison, and, in general, to labor, in season and out of season, and by all suitable means, to reclaim and save them.

Belgium.

The Belgian government attaches the highest importance to religious instruction as a means of reformation, and has given to it the most complete organization possible. Chaplains are provided in all prisons and for all religions, and the rules require them to preside at the exercises of worship and over all religious instruction, to visit the prisoners in their cells and give them counsel and consolation; to press upon their conscience the diligent performance of all religious and moral duties, to direct their reading, to hear their confessions, to give special instructions to those ignorant of the essential truths of religion, in a word, to fulfill toward them all the duties of their ministry.

Denmark.

In Denmark a clergyman is appointed to each prison. He alone is intrusted with the religious teaching of the prisoners. Volunteer visitors are not permitted to labor in the prisons for the moral improvement of the inmates.

England.

Church of England and Roman Catholic chaplains are employed in all convict prisons.

Ireland.

Chaplains of the Episcopal, Presbyterian, and Roman Catholic denominations are employed in the convict prisons of Ireland. They are regularly appointed officers of the prison, who devote their time to the religious instruction of the prisoners.

France.

In the smaller departmental prisons of France some parish priest acts as chaplain, but in the larger prisons of this class, as well as in all central prisons, the chaplain is a regular officer of the establishment, and is wholly devoted to its religious service. Liberty of conscience is guaranteed to prisoners of all religions. On his entrance, every prisoner must declare to what faith he adheres, which declaration is verified by an administrative information. If he does not belong to the Roman Catholic religion, he is transferred, whenever it is possible, to a prison designed to receive persons of the same religious faith with himself.

In the prisons of Paris, chaplains are provided for prisoners of all the different religious creeds; the prison of *La Santé* having, for example, five chaplains, one of whom is a Jewish rabbi.

Germany.

BADEN.—The highest value is attached in Baden to religious instruction in prisons. Chaplains are provided for all prisons and for all religions. They hold religious service, give religious lessons, enter into religious conversation with the prisoners, inspect the prison schools, keep an eye on the prisoners' occupations during their relaxation, and correspond with the ministers of their abode; this correspondence gives moral protection to the prisoners after their liberation.

BAVARIA.—In Bavaria, all the larger prisons have chaplains wholly devoted to the duties of their office; in the district and police prisons, the clergyman of the place officiates. The regular chaplain is bound to hold divine service in the forenoon of every Sunday, on holidays, and on the King's birthday; and also in the afternoon of Sunday to give one hour's reading or exhortation, and to hold a religious service on one week-day; to administer the sacrament to the sick prisoners when they demand it, and to those in health once every three months; to give religious instruction twice a week for one hour; to visit the prisoners confined in cells at least every fortnight; to correspond with the clergymen of the places to which the prisoners belong; and to act as librarian.

PRUSSIA.—Chaplains are found in all the prisons of Prussia, and for all forms of worship. They hold divine service every Sunday and once during the week; administer the sacrament to the prisoners at stated periods; give religious instruction; superintend the primary instruction given by the schoolmasters; are bound to

labor seriously for the salvation of the souls of the prisoners ; and, with this aim, must visit them regularly in their cells and in the infirmary.

WURTEMBERG.—In all the prisons of Würtemberg there are Protestant and Catholic chaplains. Their duties are to hold divine service on Sundays and festival-days, and to give once a week religious instructions to the prisoners of their respective creeds, and general pastoral counsel on all suitable occasions. For prisoners of the Jewish faith there is similar provision for religious instruction.

Italy.

Every prison, even for persons awaiting trial, has a priest, who is its titular chaplain. As in Italy the great mass of the citizens are Catholic, there are no ministers of other creeds attached to our prisons. Whoever belongs to a different religious communion is permitted to confer with a minister of his own creed on application to the director, who cannot refuse to admit the individual named by the prisoner, unless he has reason to believe that the safety of the establishment would be thereby endangered.

Mexico.

Not all the prisons in Mexico have chaplains, nor, when they have such, do they also have them for all denominations. Even where chaplains are appointed, they have no well-defined official duties to perform, except so far as their ecclesiastical functions are concerned, and their duty of course is always to advise and comfort the prisoner and direct him toward reformation. Religion is believed to be the most valuable means of reforming the prisoner.

Netherlands.

There are no special chaplains attached exclusively to any prison; but in all the central prisons, in all the houses of detention, and in the greater part of the houses of arrest, the office of chaplain and the religious services are confided to one of the ministers of each religion, who is named by the minister of justice. The duties of the chaplain consist in performing religious service on Sundays and feast-days, in making pastoral visits, and in imparting religious instruction.

Norway.

Every convict-prison in Norway has its chaplain of the Evangelical Lutheran confession, to which faith almost all the people of Norway

belong. In the minor district prisons, spiritual assistance is generally afforded by the parish minister of the district where the prison is situated. To the chaplains it belongs to conduct divine service in the prisons and to labor for the reformation of their inmates by the further agencies of personal conversation, admonition, and instruction.

Russia.

In all the large prisons of Russia there are chapels and chaplains. Prisoners of all the different creeds receive the offices of religion from ministers of their own faith, even Jews and Mussulmans.

Sweden.

Only Lutheran chaplains are employed in the prisons of Sweden. Few prisoners are found in them of any other religious belief. The duties of the chaplain are to hold divine service, administer the sacraments, and give religious instruction; to ascertain by conversation the state of the prisoners' minds, and seek their reformation.

Switzerland.

Ministers of the Reformed and of the Catholic religion act as chaplains in the prisons of Switzerland. The rabbi of the nearest locality is invited to visit such co-religionists as are occasionally found in them. In the establishments which are imperfectly organized, the chaplains, for the most part, confine themselves to the celebration of public worship. In proportion as the prisons approach the category of penitentiaries that aim at the reformation of the prisoners, these officers pay regular visits to them, consoling and counseling them, superintending the religious instruction of the juvenile delinquents, and fulfilling toward them all the duties of their ministry.

7. BRANCH ASSOCIATIONS FOR PRISON REFORM.

The fifth article of the constitution of the National Prison Association declares: "Committees of correspondence, or associations for prison reform and the aid of discharged prisoners, shall be organized in the several states, as may be found practicable." Kentucky, Ohio and Illinois have formed such associations during the past year, and steps have been taken by other states in the same direction. The work of the National Association is necessarily, to a large extent, of a general character. There is a great deal of work, especially that of caring for and saving liberated prisoners, which, being local in its nature, can be done only by local organizations. It would, no doubt, facilitate and hasten the formation of state associations, if the friends of this work had, ready to their hands, a general scheme of organization for such associations. In this view the executive committee have prepared, and now cause to be printed, the following drafts of a constitution and by-laws for such organizations. Of course these drafts are intended to be merely suggestive. They are but *forms*, which may be accepted, modified, or rejected *in toto*, and better ones substituted in their place:

a. DRAFT of a Constitution for the [here name the State] Branch of the National Prison Association of the United States.

ARTICLE I.

This Association shall be called the _____ Branch of the National Prison Association of the United States, and its short title shall be the Prison Reform Association of _____.

ARTICLE II.

The general object of the association shall be the prevention and repression of crime, embracing the following specifications:

1. To promote needed reforms in criminal law, and in police organization and action.
2. To give greater breadth and efficiency to preventive and reformatory agencies in the state.
3. To ameliorate the condition of prisoners, whether detained for trial, or as witnesses, or convicted and undergoing their punishment.
4. To improve the prisons and prison system of the state, and to impress a humane and reformatory character on its prison discipline.
5. To encourage and aid discharged prisoners in their efforts towards a new and better life, by providing, as far as practicable, suitable and remunerative employment for them.

ARTICLE III.

The officers of the association shall be a president, vice-presidents, a secretary, a treasurer, and a board of directors, of which the above-named officers, as well as the governor of the state, shall be *ex-officio* members.

ARTICLE IV.

There shall be the following standing committees, namely: A finance committee; a committee on criminal law and police reform; a committee on prison discipline; a detention committee; a committee on preventive and reformatory work; and a committee on discharged prisoners.

ARTICLE V.

The principal place of business of the association shall be .
The board of directors shall meet monthly, and five members shall constitute a quorum. It shall have a general oversight of the affairs of the association, and shall report to it annually its proceedings, and shall make such suggestions and recommendations as may be likely to advance the ends of the organization. The official year of the association shall correspond to the calendar year.

ARTICLE VI.

This association shall hold an annual meeting at such time and place as the board may direct, at which time the officers of the association and board of directors shall be elected; but vacancies occurring between two annual meetings of the society may be filled by the board of directors; and all officers shall hold over till their successors are chosen. Special meetings of the association may be called at the discretion and by order of the president; and they shall be called by him whenever he is requested to do so by any two members of the board of directors.

ARTICLE VII.

Any person contributing annually to the funds of the association not less than
dollars, shall be a member thereof, and a contribution of dollars,
at any one time, shall constitute the donor a life member.

ARTICLE VIII.

Committees of correspondence shall be organized in the several counties of the state, as may be found practicable, whose duty it shall be to visit the gaols in their respective localities, with a special view to the moral and religious welfare of their inmates.

ARTICLE IX.

This constitution may be amended at any meeting of the association: *Provided*, That notice of the proposed amendment shall have been given at the next preceding meeting.

b. DRAFT of By-Laws.

I. There shall be a stated meeting of the board of directors on the of each month, and special meetings may be held on the call of the president or secretary. The call for a special meeting shall state its object, and no other business than that so stated shall be transacted at the said meeting.

II. A general agent may be appointed by the board to assist the standing committees in the performance of their duties. Such agent may be either the secretary of the association, or some other suitable person designated to that work.

III. The order of business at each stated meeting shall be as follows:

1. Reading of the minutes of the last meeting.
2. Reports from standing committees: a, finance committee; b, committee on

criminal law and police reform; *c*, prison discipline committee; *d*, detention committee; *e*, committee on preventive and reformatory work; *f*, committee on discharged prisoners.

3. Report of the treasurer.
4. Report of the secretary.
5. Report of the general agent.
6. Report of special committees.
7. Miscellaneous business.

IV. It shall be the duty of the finance committee :

1. To devise ways and means for obtaining the funds needed for the work of the association.

2. To audit, through their chairman, all bills against the association; and no bill shall be paid by the treasurer, unless marked "approved" by the chairman.

3. To invest and control any surplus funds of the association.

4. To audit the treasurer's accounts annually.

V. It shall be the duty of the committee on criminal law and police reform :

1. To study the questions naturally belonging to their department.

2. To report to the board, from time to time, such views and suggestions on these questions as they may deem worthy of its attention.

VI. It shall be the duty of the committee on prison discipline, to give attention to questions relating to the internal organization and management of prisons. This duty shall be comprised under the following heads, namely: hygiene, labor, education, religion, administration, prison systems, and visitation of penal, reformatory and preventive institutions throughout the state.

VII. It shall be the duty of the detention committee :

1. To inquire, as far as may be practicable, into the causes of commitment of persons confined in the detention prisons of _____ and other parts of the state, and to adopt proper measures for procuring the discharge, or providing for the defense, of such as may appear to be entitled thereto.

2. To visit, as often as may be convenient, the detention prisons under their supervision, and to endeavor, in all suitable ways, to improve the bodily and moral condition of the persons who may be confined therein.

VIII. It shall be the duty of the committee on preventive and reformatory work :

1. To visit and report upon all reformatory and preventive institutions in the state, including orphan asylums, industrial schools (if any such there be), and other establishments whose design or tendency is to save the young from becoming criminals.

2. To study the whole question of juvenile delinquency; to devise the best preventive and reformatory agencies, and to procure, as far as possible, the practical adoption of such agencies.

IX. It shall be the duty of the committee on discharged prisoners :

1. To endeavor to secure the coöperation of as many employers as possible in different parts of the state—farmers, manufacturers, mechanics, miners, etc.—who will be willing to receive into their employ discharged prisoners, recommended by the association, and thus aid in saving them from a relapse into crime.

2. To procure, as far as may be possible, from prison-keepers, lists of prisoners who are to be discharged during the ensuing month, with their respective ages, trades, capabilities, etc., etc.

3. To visit, through the general agent or otherwise, early in each month, the prisoners thus about to be discharged, and to ascertain, by personal conference with each, his feelings, purposes and wishes, with a view to making the most satisfactory arrangements for his future employment.

4. To correspond with the employers of those for whom situations have been obtained, as well as with the discharged prisoners so employed, that these may be encouraged by the idea that a continued friendly interest is felt in their welfare.

5. With respect to those who, on their discharge, show no evidence of reformation

but rather a purpose to continue a criminal career, it will be the duty of this committee to report them to the police, so that they may be closely observed, and arrested at the earliest moment on the commission of a new crime.

X. The president, treasurer and secretary of the association shall perform the customary duties of their respective offices.

XI. No change shall be made in these by-laws, except upon notice of the proposed amendment, given at a previous meeting of the board.

8. ACTION OF THE CONGRESS ON THE FINANCES OF THE NATIONAL PRISON ASSOCIATION.

The report of the executive committee having fully set forth the financial condition and needs of the Association, a resolution thereto relating was adopted by the Congress, in the following words :

Resolved, That so much of the report of the executive committee as relates to the finances of the Association be referred to a special committee of five, to be appointed by the chair, to act in conjunction with the members of the executive committee.

The chair appointed on the said committee: Ex-Governor Dewey, of Wisconsin ; C. F. Coffin, of Indiana ; A. E. Chamberlain, of Ohio ; T. H. Nevin, of Pennsylvania ; and G. S. Griffith, of Maryland. Gov. Dewey subsequently submitted, on behalf of the joint committee thus constituted, the following report :

The committee, to which was referred the consideration of the financial condition and necessities of the National Prison Association, having fully conferred together on the subject so referred to them, beg leave to submit to the Congress, and to recommend the adoption of, the following resolutions, to wit :

1. *Resolved*, By the National Prison Reform Congress, now in session in the city of St. Louis, that the board of managers, or controlling officers, of each penal and reformatory institution, and each board of public charities, whether state or municipal, throughout the country, be and are hereby requested to appropriate and contribute, for the payment of the current and necessary expenses of this Association, in the prosecution of its work, a sum from one hundred to two hundred dollars, or such other sum as such boards or officers may, in their liberality, deem right and proper.

2. *Resolved*, That the legislatures of the several states and territories be and are hereby requested to subscribe for and take, when published, a sufficient number of copies of the annual volume of Transactions of the said Congress to supply one copy to each member of such legislature, one copy to each of the penal reformatory and charitable institutions of such state, and to each of the executive officers thereof, also one copy to each of the state officers of such state, one copy to each of the county officers (for the use of their offices) of each county of such state, and one copy to each of the more considerable libraries of the state; and such legislatures are hereby requested to appropriate a sum sufficient to pay therefor, and to cause the same to be paid to the Secretary of the Association.

3. *Resolved*, That the officers of all penal and reformatory institutions and all boards of state or municipal charities be and are hereby requested to embody these resolutions in their next annual reports, and to recommend that the legislatures of their respective states make the requisite appropriation for the purposes therein named.

4. *Resolved*, That the governors of the several states be and are hereby earnestly requested to recommend, in their next annual messages, an appropriation to be made by their respective state legislatures to carry out the objects of these resolutions.

5. *Resolved*, That the Congress of the United States be and is hereby requested to appropriate a sum sufficient to purchase 2,000 copies of the aforesaid annual volume of Transactions, for the use of the United States, and for distribution to foreign governments.

6. *Resolved*, That the Secretary of the National Prison Association be and is hereby requested to forward copies of these resolutions to the Congress of the United States, to the governors of the several states, and to the officers of all penal and reformatory institutions, and all boards of public charities in the United States.

The foregoing resolutions were unanimously adopted, and contributions and pledges, to the amount of \$1,125, were made upon the spot to the treasury of the association, in aid of its work.

9. HALF-TIME INDUSTRIAL SCHOOLS OF LONDON.

By E. CARLETON TUFNELL, Government Inspector of Pauper Schools, England.

There is so much of encouragement and cheer in the following brief letter from Mr. Tufnell, that it would hardly be right to withhold it from the public :

26 LOWNDES SQUARE, LONDON, October 4, 1873.

Rev. Sir : I have to acknowledge and thank you sincerely for a copy of the report on the International Penitentiary Congress of London in 1872. The matter is extremely instructive and important. I can only regret that some attention was not paid to the pauper schools of England, especially those belonging to London, which contain 8,000 children, all of the lowest class, and who, under the system now pursued, are not only saved from a life of vice and crime, but turn out among the most valuable and productive members of society. These schools are all strictly industrial, on the half-time system, and are under the supervision of the Local Government Board (formerly called the Poor Law Board), of which I am one of the officials.

I have the honor to be, Rev. Sir,

Your obedient servant,

E. CARLETON TUFNELL.

Rev. Dr. WINES.

10. PORTABLE DRY EARTH CLOSET FOR PRISONS.

The following communication, sent to the St. Louis Congress by the Excelsior Sanitary Company of New York, relates to a subject of considerable importance to prisons. The "circular description" of the article referred to has been, unfortunately, mislaid, and the editor is not acquainted with the merits of this special invention, beyond what may be learned from the letter itself. However, it is deemed proper to give the letter in this report as matter of information, so that all persons into whose hands the report may fall, and who are interested in the subject, may know where to apply for greater satisfaction.

The letter is as follows :

OFFICE OF THE EXCELSIOR SANITARY Co.,
217 FULTON STREET,
NEW YORK, May 12, 1874. }

DEAR SIR: I herewith enclose circular, descriptive of portable earth closet. We manufacture a prison earth closet, of galvanized iron, 14 inches deep by 9 inches diameter, so constructed as to form a seat in the cell for the prisoner, and of sufficient capacity to require emptying but once a week. The closet receives the highest indorsement of the most eminent physicians, and is an article *absolutely* necessary in all prisons. If your body discuss the sanitary condition of different prisons,* we respectfully call your attention to the dry earth system of disinfection.

Very respectfully,

JOHN F. PARSONS,

Supt. of Sales.

* This question was not specially up for discussion before the Congress.

11. WHETHER INSTRUCTION IN SANITARY SCIENCE, INDUSTRIAL ARTS AND CRIMINAL LAWS, SHOULD BE GIVEN IN PUBLIC SCHOOLS, AS PREVENTIVE OF CRIME.

General M. M. Bane, member and secretary of the board of commissioners of the state prison of Illinois, submitted to the Congress a preamble and series of resolutions relating to the above topic. This paper went, as a matter of course, to the business committee, which subsequently brought in a report upon it in these words: "The committee does not recommend its passage, but that it be referred to the editor of the Transactions." Of course, it could be referred to the editor only so far as the question of printing it in the Transactions is concerned. The editor decides, without hesitation, to give the paper a place in this volume, as due alike to the position, the intelligence, and the experience of its excellent author.

WHEREAS, One of the leading objects of the National Prison Association is the prevention of crime; and

WHEREAS, Ignorance, idleness, disease and poverty are unquestioned and unquestionable sources of crime; and

WHEREAS, The acknowledged remedy for these evils in society is education in its broadest sense; and

WHEREAS, The public school is the only medium through which this remedy can be brought to bear upon the larger class of the children of our Republic; therefore

1. *Resolved*, That it is the conviction of this Congress that practical mechanics should be taught in the public schools, to strengthen the desire and enlarge the ability of every child to gain an honest and independent livelihood.

2. *Resolved*, That the foundation principles of criminal law and civil government ought also to be taught in our public schools, especially those which relate to the sacredness of the rights of person, property and character, and which teach the child the duties of citizenship and the delinquencies to be avoided.

3. *Resolved, further*, That those branches of natural science, which unfold the laws of health and disease, thereby tending to give the maximum development to the individual citizen, and promising the best and strongest commonwealth, ought, equally, to be made the subject of common school instruction.

12. INTEMPERANCE AND CRIME.

Two papers were submitted to the Congress, praying that it would take action upon the question stated in the above caption. The first was from a female organization in Pennsylvania, and is as follows :

FROM THE WOMEN'S CHRISTIAN TEMPERANCE UNION OF PITTSBURGH, PA.

To the Prison Congress in assembly at Saint Louis, Mo. :

WHEREAS, It is a well established fact that intemperance is our greatest national and social evil and the most fruitful source of pauperism, social disorder, domestic wretchedness, and crime, filling our poor-houses, asylums and prisons with its victims, involving not only the moral and financial ruin of millions, but sending to a dishonored grave annually over eighty thousand of our fellow citizens ; therefore,

In view of these facts we make an appeal (actuated as we are by Christian sympathy and love) that your honorable body will take such action as shall lead the "law-making power" of the nation to either prohibit or strictly regulate the traffic by positive law.

By order of the Union :

MRS. J. S. COLLINS,

Mrs. A. HILL, Sec.

Pres. W. C. T. U.

The second paper, in the form of a resolution to be adopted by the Congress, offered by Mrs. De Geer, a member of the body from Illinois, is in the following words :

Resolved, By this prison Congress, organized as much for the prevention of crime as for prison reform, that, inasmuch as intemperance is the cause of nearly all the pauperism, suffering, degradation, and crime, which so burden and oppress society, we earnestly petition the Congress of the United States and our several state legislatures to abolish the manufacture, sale and importation of intoxicating liquors.

Both of the above papers were referred to the committee on business, which reported thereupon, referring the petitioners to the action of the Congress of Baltimore last year, which appeared to the committee to cover the whole ground, and is in these words :

WHEREAS, It is fully established by incontestable facts that intemperance in the use of intoxicating liquors is one of the principal incitements to crime, as well as a chief cause of pauperism ; and

WHEREAS, It follows that in proportion as intemperance is suppressed, crime and its terrible consequences will be prevented ; therefore,

Resolved, That this Congress will welcome and encourage any wise and efficient measures for the suppression of this great evil, whether by an appeal to moral and religious principle, by voluntary effort, by legislative action, or by the enforcement of existing laws.

CLOSING SESSION OF THE CONGRESS.

1. FINAL REPORT OF BUSINESS COMMITTEE.

The Business Committee, by its chairman, Judge Walker, submitted a final report, in which, after referring to the Prison Congresses of Cincinnati and Baltimore, especially the former, as having passed a series of resolutions setting forth, in an exhaustive manner, the true principles of prison discipline, the committee say that they did not think it necessary to go over the same ground again, but would offer a very few propositions for the adoption of the Congress, in case they should have the good fortune to meet its approval :

I. *Resolved*, That this Congress approves the bill now before the Congress of the United States, authorizing the President to appoint a commissioner to inquire into the condition and treatment of United States prisoners, wherever they are confined, and hereby expresses its conviction that the best results would follow the passage of the said bill.

II. *Resolved*, That the papers read before this Congress and the discussions which have taken place have clearly shown both the vital importance of the law of kindness in the treatment of prisoners, and the increasing exercise of that principle in the administration of our prison systems.

III. *Resolved*, That experience has demonstrated the great value of permitting prisoners to receive a share of their earnings and to shorten the time of their imprisonment by good conduct, in stimulating to cheerful labor and in promoting reform ; and this Congress warmly recommends the extension of the principle of rewards in this and all other practicable directions.

IV. *Resolved*, That the detention of prisoners awaiting trial in our county gaols, where all classes of prisoners are mingled together, is a grievous evil, and one that demands a prompt and thorough remedy.

V. *Resolved*, That this Congress approves and gladly lends whatever influence it may possess in support of the founding of

refuges for discharged convicts ; but in doing so, it desires to place upon record its conviction, that such establishments should be looked upon as transitional in their character, that the prisoner's stay in them should be the shortest possible, and that permanent work should be provided for him at the earliest practicable moment.

2. DISCUSSION ON THE ABOVE RESOLUTIONS.

Dr. Clark, of New Hampshire, expressed great sympathy with the sentiments of the resolutions, especially that affirming the power of love in the treatment of prisoners. It had been most delightful to him to attend this Congress, and to see how all its members had agreed as to the duty and policy of a humane treatment of criminals, while undergoing the just punishment of their misdeeds. Ability, humanity, and piety had marked the proceedings of the Congress. Its reports, papers, discussions, and conclusions would be of immense value, not to our own country only, but to the world.

Mr. Sampson, of Ohio, heartily concurred in the sentiments and expressions of the last speaker. Great, indeed, was the power of love. If the name of Jesus, tenderly spoken in the ear of the convict or of the wayward child had such power, let it be spoken. That was the best plan, because it was God's.

Dr. Wilson, of Kentucky, approved most cordially of the resolutions. He believed the great instrument of reforming men was kindness, and that the great power in regenerating men was divine love. But (said he) through the kindness of our feelings and the warmth of our emotions, we may exaggerate our representation of these principles, so as not to speak or act exactly in accordance with the great principles of the Divine government, as shown with respect to the civil and moral relations of men.

It must not be forgotten, that one way in which God shows His love, is by chastisement. One method in which God manifests His kindness, and brings moral agencies to act upon men for their reform, is by making the way of the transgressor hard. In the administration of our civil government, in the management of our penal and reformatory institutions, in all this complicated machinery with which we desire and aim to coöperate with God to this great end, we must keep in mind the entire of the principles of the Divine administration.

Dr. Wilson said, that when he listened to his friend from Ohio, Mr. Howe, these questions passed through his mind : How is it that a school, made up of such as those confined there, should be so much more perfect than any family of which he had ever had knowledge ? How is it that the love and kindness of a stranger should have more power to influence these lads, than the love of a praying mother, and the kindness of a loving father ? He did not question Mr. Howe's statements, but they were a mystery to him.

We are in danger of making a false impression upon the public mind, which will injure the influence of this association, by creating the idea that we are a company of humanitarians, gone to an extreme in regard to the nature of crime and justice. We must not do anything, nor give utterance to any expression, that takes away from crime its true character ; that makes an impression upon the criminal that a prison is not a terrible institution. We must not make the impression that we are more interested for those who are imprisoned because of crime, than we are for those who live in tenement houses in our large cities, and struggle to keep soul and body together in the midst of society, which pays no attention, or very little, to their wants. We must not make the impression upon the mind of the youthful offender, that his offense is not an offense, that he is not punished, that there is not behind all this

kindness that which we call law—yes, *law*—and it may be that, after all, it is the majesty of the law behind those who deal kindly with the criminal, which produces such an influence, such a power, that the boy does not run away. It may be that they are moved to remain and not make their escape, because they have still their consciences so much enlightened and so tender, that they feel the force of law.

Again, the more confirmed criminals may yield to these persuasive influences and to these motives held out to them on the ground of self-interest, for the very purpose of getting away from the walls of the prison, and being free to do as they please afterwards.

There is danger that we may so dress up the criminal as to efface, or at least weaken, proper ideas of crime; that we may make these inmates of our prisons, who have committed offenses against the law, our *protégés*, and extend to them the care and sympathy, which a class of persons, particularly in our large cities, certainly demand of us. Dr. Wilson said that he was glad when he heard of the garden and the farm-house; still he could not but think of the tenement houses in the city of New York, where he had clambered up in the fetid air, to hunt and find some honest laboring man, living with his children and wife in places far worse than the cells of the beautiful Eastern penitentiary at Cherry Hill. Let us avoid making a false impression upon society, or upon the criminal. Crime is crime, and God chastises and scourges the sons in whom his soul delights; we must not, therefore, make it all sunshine in a prison. Crime is crime, and you cannot remove God's rod, much as you may desire to do so. In all love let us keep this idea distinctly before the world, before our families, before our boys and girls, that if they commit crime, the inevitable and unchanging rectitude of God will, sooner or latter, exact retribution, whether society does or not. Part of this retribution may be that long continued evidence of true repentance and real reformation, which will alone restore the convict and criminal to the confidence, respect, and love of society.

General Bane, of Illinois, said that we sometimes mistake what God's law and God's rod are, and there may be an honest difference of opinion in regard to the points raised by the delegate from Kentucky. Ministers and good men, with whitened heads, have said that God's law allowed Christian people to make merchandise of human beings; but his opinion was, that that was a wrong view of God's law. It would be difficult to decide to-day what God's law is in a prison. Mr. Howe believes in love, but in God's law too. He uses the iron band and the leather strap sometimes, as well as the gentle word and the loving act. There are convicts whom you cannot do much for. All the means of reformation we use seem to fail. Our common schools are much to blame for this, because of the one-sided and imperfect education they give to our children. We ought to teach the poor to supply their own wants. There is a class of children for whom we need industrial schools in connection with our common schools, to be supported by the same fund.

Dr. Wines, of New York, said that from the bottom of his heart he thanked his respected and beloved friend, Dr. Wilson, for the remarks which he had made, and which, in the main, he thought had been well and fitly made. But it seemed to him that Dr. Wilson had overlooked one essential element in this question. The relations in which the poor of our large cities and imprisoned criminals stand to society (said Dr. Wines) are altogether different. The poor are at their own disposal; the criminals are within the grasp of the law. Society can interfere with the former only in a general way, and by statutory provision; the latter are absolutely in its power. The persons who have been committed to prisons through the action of law and the public authorities, are actually in the hands of those authorities, and can lift no finger but at their bidding. There is thus devolved upon society a responsibility with respect to them, which does not exist, at least in the same form, with respect to the class in whose behalf the sympathies of Dr. Wilson are so justly and properly excited. No doubt society has a duty to these also; but its methods must be slower, more gradual, more general. On the other hand, the responsibility resting upon

society with respect to the criminals whom it holds within prison walls, is direct, absolute, and immediate. It is a responsibility which must be met, somehow, at once.

The question is not, how many dark and dismal cellars, how many foul and unhealthy garrets, are crowded to suffocation, in New York and other large towns, with the destitute and degraded poor; but it is, what is the duty of society towards these persons, these prisoners, who have come into its hands, and are placed under its care, by the action of the law? Shall they be consigned to such dens as they came from? Or shall they be surrounded with pure, wholesome, elevating influences, and so be lifted above the plane, on which they had lived before? Government cannot go into those hovels where my brother has "clambered up in the foul and fetid air;" but it can go into our prisons, and, what is more to the purpose, it can command the influences which shall enter with it; yes, and because it has unlimited power there, it can command and control those influences to a greater degree than can be done in the case of any other community on earth—be it state, city, village, church, school, or even family. It is a question from whose grasp society cannot escape, a responsibility which it cannot shirk, whether these men shall return to its bosom better or worse than they were when the prison received them? And this question involves another—whether society has the right, and is bound in duty, to use the agencies suited to make them better? Then there is a third question—or rather it is no question at all—whether the surroundings and influences, inseparable from the pauper cellars and garrets of great cities, are such as will accomplish that end?

I conclude, therefore, that it is not only the right of society, but an obligation laid upon it, to establish and administer its prisons upon a system which, while exacting its daily tale of hard labor, still affords the prisoner opportunity and means for self-improvement; a system which places him in much the same condition as a mechanic in ordinary life, giving him time for reading and instruction, as well as time for work; a system which tempers rigor with kindness, justice with mercy; a system, in short, which achieves the high, beneficent, and honorable distinction of sending its prisoners from under its hand better citizens, and less likely to repeat their crimes.

Mr. Howe, of Ohio, said that his name had been freely used, to which he did not object. But some of his statements did not seem to find credence with some members of the Congress. But gentlemen in that house from Ohio, who had known him all his life, would not call in question a single word he had uttered. He said to the Congress, that if those gentlemen who had seemed to question his report in regard to the results accomplished by the reform farm school of Ohio, would come to that institution and remain four weeks, he would bear all expenses; and if they could then say that he had made a single statement not supported by their own observations, he would pledge himself never again to open his mouth in a prison Congress.

3. RESOLUTION OF THANKS.

Rev. F. H. Wines, of Illinois, offered the following:

Resolved, That the thanks of this Congress are due and are hereby tendered:

To the railroad companies which have generously granted to the members reduced rates of transportation:

To the local committee of arrangements, for the labor and pains taken by them, as shown in the ample preparations made for this meeting:

To the pastor and trustees of the Second Baptist Church, for

their hospitality in allowing the Congress the use of their church edifice for the sessions of the body :

To the press of St. Louis, for the very full and accurate reports of the proceedings in the daily newspapers :

To the Hon. Chauncey I. Tilley, postmaster, of St. Louis, for his prompt and thorough distribution of mail matter, through the secretary of the Congress, at the place of meeting :

To Hon. Thomas Allen, president of the Iron Mountain Railroad, for his very liberal and acceptable invitation to visit the Iron Mountain and Pilot Knob, those well known natural wonders of Missouri :

To the president and directors of the Missouri Pacific Railroad Company, for their generous offer to convey, free of charge, to and from Jefferson City, such members of the Congress as desired to visit the state prison in that place :

To the officers and directors of the Illinois and St. Louis Bridge Company, of the St. Louis Mercantile Library Association, and of the St. Louis Agricultural and Mechanical Association, for courtesies extended, which we have very highly appreciated :

To the clergy of St. Louis, who have kindly officiated at the morning sessions of this Congress : and

To the president and officers of this Congress, for the ability, impartiality, promptness and efficiency with which they have discharged the duties devolving upon them respectively.

For these and for all other kindnesses shown to the members of the Congress, collectively or individually, we hereby extend to those who have rendered them our most cordial expression of gratitude and good will.

These resolutions were adopted unanimously, and with evident heartiness.

4. VALEDICTORY OF THE PRESIDENT.

The labors of the Congress having been thus happily brought to a close, Mr. Vaux addressed the body as follows :

Ladies and Gentlemen of the National Prison Reform Congress : Nothing, I presume, will be more grateful to the ears of the members of this Congress than to hear the word of adjournment finally pronounced, and it is only so much of the remarks I propose to make that I expect you to receive with cordial approbation. For the honor conferred upon me by this Congress in asking me to preside

over your deliberations I now tender you my sincere personal thanks. When the position was first offered, you will remember, I regarded it as a tribute to the state from which I came as an accredited delegate ; but during the arduous and continuous sessions of this body, with various subjects up for consideration ; and the action of the chair invoked by different delegates with different motives, I have received such uniform personal kindness from every member here, that I now take the opportunity of tendering to each and every one of you my personal thanks for the honor conferred upon me in calling me to the chair.

A great deal has been said since this Congress opened, by delegates from all parts of the country, upon a great variety of subjects. Many valuable propositions have been submitted, some radical views have been expressed, new suggestions have been made, and enough has been said to attract very general attention to the subjects which this Congress was called to discuss. How much of general improvement has been effected remains to be seen.

A great deal has been said about prison discipline, convict treatment, criminal code and procedure, juvenile reformation, houses of correction, and preventive measures. Love has been invoked as an agency in these processes, and these poor creatures have been called our brothers. And so far as that general idea goes, it meets with my most unqualified approbation. But, ladies and gentlemen of this Congress, permit me to say to you, in the conclusion upon this subject, that if you attempt to direct your attention to the effects of crime and leave out of consideration its causes, you may work on until time is no more, and reach no practical result. This question should invite your most earnest consideration.

The subject of education, to which much reference has been made, has been viewed by some two or three thinking men of the Association in its broad and comprehensive character. The mistake that is made by the public, everywhere, is in regarding education of the intellect as conclusive of the subject, while the moral and industrial character of man is left to take care of itself. The worst education we can give a man is that of the intellect, at the expense of his relation to his Maker and mankind. The criminal is with us now ; the great thing to consider is, how to prevent his coming among us in the future. Right education is the supreme necessity. Give up the sentimentality of hugging the criminal around the neck as a brother. Give your attention to his education, and show him that whatever intellectual perfection he may acquire, it will avail him

nothing, if his moral nature is neglected. It is a poor way to teach a man that his brain is to be the god of his idolatry. Educate men to comprehend their relation to society and its laws. Teach them that industrial knowledge is the peer of any intellectual acquirement. Then teach them their relation to and dependence on an almighty Providence, and that, however they may avoid the punishment provided by human law for their crimes, there is a supreme tribunal to which they will be held to answer beyond all possibility of escape. Conform your education to these views. Let it be based upon the broad comprehensive idea of the three-fold constitution of man, the idea of a trinity of constitutions, and then you will produce a Christian citizen.

Again, we should use every effort to do away with the injustice of our social system, which too often stamps "pauper" on the child, to brand "convict" on the man. Depauperize all preventive and reformatory institutions. Drop the words "refuge" and "reformatory" from their titles, and call them "state educational institutions." As was so aptly said yesterday by a gentleman from Ohio (Mr. Waterton), let us have more *form*-atory, and then we shall need fewer *re*-formatory establishments. This is the true solution of the difficult problem we have in hand. No doubt we shall always have "incurrigibles," but they form a very small minority.

The questions which you are engaged in considering are questions of a scientific character, and must be treated as such. What is good in one place may not be in another. What would succeed well in New York might not succeed at all in Missouri. Climate, soil, locality, population, have much to do with the results yielded in applying theories. The constitution and habits of society, that is, the civilization existing in any given nation or state at any given time, must be taken into account in this matter. The idea that the same system can be, indiscriminately and with equal success, applied to all countries and under all circumstances, is an idea incapable of execution. Penal science is an important element of social science; and this fact must be recognized sooner or later.

The press is doing for us what we could never do for ourselves. It is giving to the world the history of our deliberations and proceedings, and placing them before the thousands who read the papers. Public attention is thus being awakened and directed to this penitentiary question. There is more ignorance on the subject of penal science, even among persons of great general information, than on any other. But penal science, as I have just said, is a part of

social science ; and in the attention now being paid to the latter, the former must share. Earnestness, industry and free discussion must succeed in the end, and let us hope that the success will not be long in coming. Again thanking you for your kindness, I now declare this Congress finally adjourned.

The Rev. Mr. Milligan, of Pennsylvania, then, by request of the president, closed the Congress with prayer.

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- Miss Mary Carpenter, Red Lodge Reformatory, Bristol, England.
 Miss Florence Nightingale, South street, London.
 Right Hon. Sir Walter Crofton, C.B., Winchester, England.
 Frederic Hill, 27 Thurlow road, Hampstead, London.
 Edwin Hill, No. 1 Saint Mark's Square, Regent's Park, London.
 Miss Florence Hill, 55 Wimpole street, London.
 Miss Joanna Margaret Hill, 270 Hagley road, Birmingham, England.
 Alfred Aspland, Dukenfield, Ashton-under-Lyne, England.
 William Tallack, No. 5 Bishopsgate street, Without, London.
 Rev. Sydney Turner, inspector of reformatories, 15 Parliament street, London.
 W. L. Sargant, Birmingham, England.
 Edwin Chadwick, C.B., Mortlake, England.
 A. Angus Croll, Esq., Granard Lodge, Roehampton, London.
 Miss Frances Power Cobbe, 26 Hereford Square, London, England.
 George W. Hastings, Worcester, England.
 T. B. LL. Baker, Hardwicke Court, Gloucester, England.
 T. LL. Murray Browne, Elm Grove, Salisbury, England.
 Edwin Pears, Constantinople, Turkey.
 Major E. F. DuCane, chairman directors of convict prisons, London, No. 44 Parliament street, London.
 John Lentaigue, Esq., inspector of county and borough prisons, Dublin, Ireland.
 Captain J. Barlow, director of convict prisons, Dublin, Ireland.
 M. Bonneville de Marsangy, 7 rue Penthievre, Paris.
 M. Victor Bournat, 20 rue Jacob, Paris.
 M. Robin (pasteur), 21 rue Piat, Belleville, Paris.
 Dr. Mouat, late inspector general of prisons in India, London.
 David Blair, Melbourne, Victoria, Australia.
 James Caldwell, governor of the gaol, Dunedin, New Zealand.
 M. Jaillant, director of prisoners, ministry of the interior, Paris.

M. Jules de Lamarque, chief of bureau, direction of prisons, Paris.

Dr. Prosper Despine, 12 rue du Loisir, Marseilles, France.

M. Charles Lucas, member of the Institute of France, Paris.

M. le Vicomte d'Haussonville, member of the national assembly, rue St. Dominique, Paris.

M. Berden, director of prisons, Brussels, Belgium.

M. J. Stevens, inspector-general of prisons, Brussels, Belgium.

Mr. Alstorpius Grevelink, the Hague, Holland.

Rev. Dr. Laurillard, secretary of the Netherlands Prison Society, Amsterdam, Holland.

Mr. M. S. Pols, the Hague, Holland.

Mr. J. B. Ploos von Amstel, Amsterdam, Holland.

Dr. Guillaume, director of the penitentiary, Neuchâtel, Switzerland.

Signor F. Cardon, director-general of prisons, Rome.

Signor Mar. Beltrani-Scalia, inspector-general of prisons, Rome.

Baron Franz von Holtzendorff, professor of international and criminal law in the University of Munich, Bavaria.

Rev. Dr. Wichern, director of the Rauhe Haus, Horn, near Hamburg, Prussia.

Mr. Fr. Bruün, director of prisons, Copenhagen, Denmark.

Senñor André Fleury, secretary of the committee of inspectors of the house of correction, Rio de Janeiro, Brazil.

Mr. G. F. Almquist, director-general of prisons, Stockholm, Sweden.

Mr. Richard Petersen, director of the penitentiary, Christiania, Norway.

5. LIFE DIRECTORS BY THE CONTRIBUTION OF TWO HUNDRED DOLLARS AT ONE TIME.

Timothy M. Allyn, Hartford, Connecticut.

James Brown, New York.

Morris K. Jesup, New York.

W. Soldatenkoff, St. Petersburg, Russia.

E. C. Wines, New York.

6. LIFE MEMBERS BY THE CONTRIBUTION OF ONE HUNDRED DOLLARS AT ONE TIME.

William H. Aspinwall, New York.

W. Amory, Boston, Massachusetts.

Benj. G. Clarke, Jersey City, N. J.

H. K. Corning, New York.

D. Denny, Boston, Massachusetts.

Edward Earle, Worcester, Massachusetts.
 George B. Emerson, Boston, Massachusetts.
 Mrs. Mary A. Holden, Providence, Rhode Island.
 Joseph Howland, Matteawan, New York.
 Thos. W. Olcott, Albany, New York.
 John Taylor Johnston, New York.
 Amos Pilsbury, Albany, New York,
 Horatio Seymour, Utica, New York.
 E. Remington, Ilion, New York.
 Gerrit Smith, Peterboro, New York.
 Jonathan Sturges, New York.
 N. Thayer, Boston, Massachusetts.
 C. H. Shipman, Brooklyn, New York.
 Wm. Sprague, Providence, Rhode Island.
 A. Sprague, Providence, Rhode Island.
 Mrs. G. W. Richmond, Providence Rhode Island.
 Miss Caroline Richmond, Providence, Rhode Island.
 Miss M. W. Wells, Hartford, Connecticut.

7. TREASURER'S REPORT.

National Prison Association in account with S. H. WALES, Treasurer :

Cr.

April 30, 1874.	By contributions from May, 1873, to May,	
1874	-----	\$5,144
		<u><u> </u></u>

Dr.

April 30, 1874.	To cash paid secretary (salary) -----	\$4,000
	To cash paid traveling expenses -----	250
	To cash paid rent and care of office -----	260
	To cash paid printing -----	35
	To cash paid stationery -----	19
	To cash paid postage -----	75
	To cash paid freight and expressage -----	16
	To cash paid telegraphing -----	4
	To cash paid services and expenses of col-	
	lecting agents -----	300
	Balance to new account -----	185
		<u><u> </u></u>
E. E.		\$5,144
		<u><u> </u></u>

8. CONTRIBUTIONS TO THE NATIONAL PRISON ASSOCIATION, FROM
MAY, 1873, TO MAY, 1874.

California.

Mrs. M. Hutchison.....	Bishop's Creek.....	\$5
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Connecticut.

Timothy M. Allyn.....	Hartford	100
J. M. Allen.....	Hartford	5
N. J. Burton, D.D.....	Hartford	10
John S. Butler, M.D.....	Hartford	20
H. Blanchard	Hartford	5
Mrs. Jas. G. Bolles.....	Hartford	5
L. A. Barber.....	Hartford	5
Erastus Collins.....	Hartford	10
C. B. Crane, D.D.....	Hartford	10
Mrs. M. J. Chase	Hartford	5
Mrs. F. B. Cooley	Hartford	5
F. W. Cheney.....	Hartford	10
Cash	Hartford	50
Calvin Day.....	Hartford	10
H. Dennis.....	Hartford	5
C. W. Eldridge	Hartford	5
Rev. Thos. K. Fessenden.....	Farmington	10
James Goodwin	Hartford	10
R. J. Gatling.....	Hartford	10
Jno. Hooker	Hartford	20
Hunt, Holbrook & Barber.....	Hartford	10
Mrs. E. G. Howe	Hartford	5
B. E. Hooker	Hartford	5
S. Hoyt.....	Hartford	5
Eugene S. Kenyon.....	Hartford	5
Roland Mather.....	Hartford	10
J. S. Niles.....	Hartford	10
Mrs. Jno. Olmstead	Hartford	10
Miss Ellen Perkins.....	Hartford	20
H. A. Perkins.....	Hartford	10
Miss A. R. Phelps	Hartford	10
Noah Pomeroy	Hartford	5
J. B. Pierce.....	Hartford	3
O. Plimpton.....	Hartford	1

A. D. Rood	Hartford	\$10
Mrs. E. R. Rexford	Hartford	5
Gurdon M. Russell	Hartford	5
Chas. Seymour	Hartford	5
N. Shipman	Hartford	10
Byron A. Simmons	Hartford	10
Miss L. Salisbury	Hartford	5
Mrs. O. G. Terry	Hartford	5
Rev. H. Clay Trumbull	Hartford	5
J. H. Trumbull	Hartford	5
E. S. Tyler	Hartford	5
Mrs. Tertius Wadsworth	Hartford	10
Chas. B. Warren	Hartford	5
Edward W. Wells	Hartford	50
		<hr/>
		\$554
		<hr/>

Illinois.

Chas. E. Felton	Chicago	\$35
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Indiana.

Conrad Baker	Indianapolis	10
Rev. G. W. F. Birch	Indianapolis	10
Chas. F. Coffin	Richmond	10
Jno. W. Ray	Indianapolis	10
Jno. Young	Indianapolis	10
		<hr/>
		\$50
		<hr/>

Kansas.

Henry Hopkins	Leavenworth	\$10
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Kentucky.

P. Caldwell	Louisville	10
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Maryland.

G. S. Griffith	Baltimore	10
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Massachusetts.

Jas. M. Barnard	Boston	100
Gridley J. F. Bryant	Boston	10
Wm. Claflin	Boston	20

Cash	Boston	\$25
Mrs. Elizabeth Farnsworth	Groton	20
Mrs. Mary Hemmenway	Boston	100
O. W. Peabody	Boston	10
B. K. Peirce, D.D.	Boston	10
Aaron Plumer	Boston	10
Gardiner Tufts	Boston	10

\$315
Michigan.

J. B. Angell, LL.D.	Ann Arbor	\$10
Jno. J. Bagley	Detroit	10
W. A. Butler	Detroit	10
Z. R. Brockway	Detroit	10
H. J. Beakes	Ann Arbor	10
Hovey K. Clarke	Detroit	10
Mrs. Sarah Chipman	Ann Arbor	10
James Clements	Ann Arbor	10
C. M. Crosswell	Adrian	10
Cash	Adrian	18
Alpheus Fitch	Ann Arbor	10
Geo. D. Gillespie, D.D.	Ann Arbor	10
Israel Hall	Ann Arbor	10
Rev. Geo. H. Hickox	Jackson	10
C. A. Kent	Detroit	10
Geo. V. N. Lothrop	Detroit	10
Alexander Lewis	Detroit	10
A. B. Palmer	Ann Arbor	10
Mrs. Juliet E. Perkins	Ann Arbor	10
Andrew J. Rogers	Detroit	10
H. W. Rogers	Ann Arbor	10
E. C. Seaman	Ann Arbor	10
C. I. Walker	Detroit	10
E. C. Walker	Detroit	10

\$248
Missouri.

Orin S. Baker	St. Louis	\$10
Silas Bent	St. Louis	10
Henry T. Blow	St. Louis	10

S. M. Breckinridge.....	St. Louis.....	\$10
Cash	St. Louis.....	20
M. Dwight Collier.....	St. Louis.....	10
S. M. Dodd.....	St. Louis.....	10
M. D. Dodd.....	St. Louis.....	10
Geo. S. Drake.....	St. Louis.....	10
G. S. Foster.....	St. Louis.....	10
E. W. Fox.....	St. Louis.....	10
Wm. Glasgow, Jr.....	St. Louis.....	10
Henry Hitchcock.....	St. Louis.....	10
Anthony Ittner.....	St. Louis.....	10
Arnold Krekel.....	Jefferson City.....	10
Pettes & Leathe.....	St. Louis.....	10
George Partridge.....	St. Louis.....	10
Everett W. Pattison.....	St. Louis.....	10
Geo. P. Plant.....	St. Louis.....	10
Mrs. Rebecca W. Sire.....	St. Louis.....	10
H. S. Turner.....	St. Louis.....	10
Chas. C. Whittelsey.....	St. Louis.....	10
H. B. Webber & Co.....	St. Louis.....	10
J. R. Willis.....	Jefferson City.....	10
James E. Yeatman.....	St. Louis.....	10

\$260

New Hampshire.

Wm. Clark, D.D.....	Amherst.....	\$10
Miss Alma J. Herbert.....	Concord (for 1872)....	10
Miss Alma J. Herbert.....	Concord (for 1873)....	10

\$30

New Jersey.

Daniel Haines.....	Hamburgh.....	\$10
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New York.

Wm. H. Aspinwall.....	New York city.....	100
James Brown.....	New York city.....	200
Stewart Brown.....	New York city.....	50
Benj. G. Clarke.....	New York city.....	50
Hanson K. Corning.....	New York city.....	50
Cash.....	New York city.....	250

Joseph Howland.....	Matteawan.....	\$50
Richard Irvin.....	New York city	25
M. K. Jessup	New York city	50
John Taylor Johnson.....	New York city	100
Livingston's Works (sale).....	New York city	30
Henry T. Morgan	New York city	25
Geo. L. Prentiss, D.D.....	New York city	10
Jonathan Sturges.....	New York city	50
Brother Teliow	New York city	10
E. C. Wines	New York city	200
Horatio Seymour	Utica	100
E. Remington & Son	Ilion.....	100
Thos. W. Olcott.....	Albany.....	100
Gerrit Smith.....	Peterboro'	100
Jno. Morrissey	Saratoga.....	50
Mrs. Morrissey.....	Saratoga.....	5
Jno. Newland.....	Saratoga.....	5
Cash	Saratoga.....	11
Allen C. Beach.....	Watertown.....	5
J. H. Fisk.....	Watertown.....	5
A. W. Farwell	Watertown.....	10
Geo. W. Flowers	Watertown.....	5
Knowlton Brothers	Watertown.....	20
L. A. Johnson	Watertown.....	5
Rev. R. G. Keyes.....	Watertown.....	5
Jno. Lansing	Watertown.....	5
J. C. Sterling	Watertown.....	10
C. A. Thermon	Watertown.....	5
Cash	Watertown.....	10
Dennis Bowen.....	Buffalo	10
Alexander Brush.....	Buffalo	5
R. Bullymore	Buffalo	5
Cash	Buffalo.....	20
Thomas Clark.....	Buffalo.....	5
S. S. Guthrie	Buffalo.....	5
N. K. Hall	Buffalo.....	5
G. S. Hazard	Buffalo.....	5
Mrs. R. H. Heywood.....	Buffalo.....	5
Mrs. J. T. Hoole	Buffalo.....	5
J. Letchworth	Buffalo.....	10
J. N. Matthews	Buffalo.....	10

P. P. Pratt	Buffalo	\$10
Jas. W. Smith	Buffalo	25
Mrs. F. P. Wood	Buffalo	5
J. W. Averell	Ogdensburgh	10
W. B. Allen	Ogdensburgh	5
Cash	Ogdensburgh	12
C. B. Herriman	Ogdensburgh	5
D. C. Judson	Ogdensburgh	10
S. G. Pope	Ogdensburgh	5
P. Barry	Rochester	5
Ezra Jones	Rochester	5
H. S. Potter	Rochester	10
Thomas Raines	Rochester	5
A. C. Wilder	Rochester	5
Cash	Waterloo	10
T. Fatzimer	Waterloo	10
Mrs. C. Fatzimer	Waterloo	5
P. M. Le Fèvre	Carthage	5
J. P. McGraw	Ithaca	10
J. B. Sprague	Ithaca	10
Thos. Brune	Oswego	2
J. B. Edwards	Oswego	5
Theo. Irwin	Oswego	5
J. C. Jenkins	Oswego	5
G. Mollison	Oswego	5
J. B. Sloan	Oswego	5
Cash	Oswego	5
Henry Foster	Crystal Springs	5
Josiah T. Miller	Seneca Falls	5
H. C. Silsby	Seneca Falls	5
A. Judson	Gloversville	5
W. H. Place	Gloversville	3
Cash	Gloversville	4
Cash	Schenectady	5
Jno. McLaren	Johnstown	3
H. E. Eaton	Johnstown	2
Cash	Johnstown	3

\$2,125
Ohio.

Jno. E. Bell	Cincinnati	\$10
Jos. Cox	Cincinnati	10

Geo. F. Davis	Cincinnati	\$10
Jno. Davis, M.D.	Cincinnati	10
Edward C. Kimball	Cincinnati	10
Joseph F. Larkin	Cincinnati	10
H. A. Montfort	Cincinnati	10
David H. Moore	Cincinnati	10
Murray Shipley	Cincinnati	10
Ira Wood	Cincinnati	10
Mrs. R. A. S. Janney	Columbus	10
Carrington & Casey	Toledo	10
Griffith	Toledo	5
R. Mott	Toledo	5
Cash	Toledo	10
James Ballard	Athens	10
Geo. Putman	Athens	10
F. R. Ballard	Athens	2
R. B. Hayes	Fremont	10

\$172

Pennsylvania.

Jay Cooke	Philadelphia	\$25
Geo. L. Harrison	Philadelphia	50
Wm. J. Mullen	Philadelphia	10
Chas. P. B. Jefferys	Philadelphia	20
Allegheny Co. Workhouse	Claremont	10
Henry Cordier	Claremont	20
Geo. Albree	Pittsburgh	20
Frederic Altvater	Pittsburgh	10
Arbuthnot & Shannon	Pittsburgh	10
J. U. Barr	Pittsburgh	5
R. Carson	Pittsburgh	10
Dilworth Brothers	Pittsburgh	10
James Kelly	Pittsburgh	10
J. Painter & Son	Pittsburgh	20
T. H. Rabe	Pittsburgh	10
H. Straub	Pittsburgh	10
Tate, Munden & Tate	Pittsburgh	10
Watt, Lang & Co.	Pittsburgh	10
George R. White	Pittsburgh	10
Vetter & Eidner	Pittsburgh	10

Wiesbrod & Schlegel.....	Pittsburgh.....	\$5
W. Dewees Wood.....	Pittsburgh.....	10
Rev. R. N. Avery.....	Allegheny.....	10
Felix R. Brunot.....	Allegheny.....	10
J. P. Fleming.....	Allegheny.....	10
Wm. D. Howard.....	Allegheny.....	10
		<hr/>
		\$345

Rhode Island.

A. E. Burnside.....	Providence.....	\$10
Alexis Caswell, D.D.	Providence.....	5
Wm. W. Chapin.....	Providence.....	10
W. W. Hoppin.....	Providence.....	10
Robert H. Ives.....	Providence.....	20
Wm. J. King.....	Providence.....	20
Mrs. Henry Lippitt.....	Providence.....	20
Jesse Metcalf.....	Providence.....	10
Seth Padelford.....	Providence.....	10
Edwin M. Snow, M.D.....	Providence.....	5
A. & W. Sprague.....	Providence.....	100
H. J. Steere.....	Providence.....	10
Mrs. G. M. Richmond.....	Providence.....	100
Miss Caroline Richmond.....	Providence.....	150
Royal Taft.....	Providence.....	10
Jas. S. Smith, Nichols & Rogers ..	Providence.....	20
J. M. Talcott.....	Providence.....	10
Jas. Tillinghast.....	Providence.....	10
Nelson Viall.....	Providence.....	10
Rev. Augustus Woodbury.....	Providence.....	10
Geo. Bowen.....	Newport.....	3
B. Finch.....	Newport.....	10
Isaac Place Hazard.....	Newport.....	10
T. W. Higginson.....	Newport.....	2
J. G. Weaver.....	Newport.....	5
Cash.....	Newport.....	20
		<hr/>
		\$600

Wisconsin.

Edwin Hurlbut.....	Oconomowoc.....	\$10
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District of Columbia.

W. W. Corcoran.....	Washington.....	100
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J. E. Carpenter	Washington	\$10
Miss Clara Barton	Washington	10
		<hr/>
		\$120
		<hr/>

United States Government.

Per diem of Secretary as Commissioner on U. S. Military Prison -----	\$230
	<hr/>
	\$5,144
	<hr/>

9. ACT OF INCORPORATION.

The people of the State of New York, represented in senate and assembly, do enact as follows :

SECTION 1. Horatio Seymour, Theodore W. Dwight, Francis Lieber, Amos Pilsbury, James Brown, William H. Aspinwall, John Taylor Johnston, John E. Williams, Theodore Roosevelt, Morris K. Jesup, Isaac Bell, James G. Blaine, Conrad Baker, Rutherford B. Hayes, Daniel Haines, Enoch C. Wines. Oliver S. Strong, Bradford K. Peirce, Charles L. Brace, Charles F. Coffin, Howard Potter, Henry S. Terbell, Z. R. Brockway, Frank B. Sanborn, Edward W. Hatch, and their associates and successors in office, are hereby constituted a body corporate and politic, by the name of "The National Prison Association of the United States of America," whose duty it shall be to consider and recommend plans for the promotion of the objects following ; that is to say—

1. The amelioration of the laws in relation to public offenses and offenders, and the modes of procedure by which such laws are enforced.

2. The improvement of the penal, correctional, and reformatory institutions throughout the country, and the government, management, and discipline thereof, including the appointment of boards of control and of other officers.

3. The care of, and providing suitable and remunerative employment for, discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

SEC. 2. The principal place of business of the said corporation shall be in the city of New York ; and the management and disposition of its affairs, property, and funds shall be vested in the persons named in the first section of this act, and their associates and their successors in office, who shall remain in office for such period, and be dis-

placed and succeeded by others to be elected at the times and in the manner prescribed by the by-laws. The number of members to constitute a quorum shall be fixed by the by-laws.

SEC. 3. The said corporation shall have power to purchase or take by gift, grant, devise, or bequest, real and personal property to an amount not exceeding three hundred thousand dollars, subject to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty.

SEC. 4. The said corporation shall have and possess all the general powers, and be subject to all the liabilities, contained in the third title of chapter*eighteen of the first part of the Revised Statutes.

SEC. 5. This act shall take effect immediately.

STATE OF NEW YORK,

Office of the Secretary of State, ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office at the city of Albany, this twenty-ninth day of April, in the year one thousand eight hundred and seventy-one.

DEIDRICH WILLERS,

Deputy Secretary of State.

10. CONSTITUTION.

ARTICLE I. This association shall be called the National Prison Association of the United States of America, and its objects shall be—

1. The amelioration of the laws in relation to public offenses and offenders, and the modes of procedure by which such laws are enforced.

2. The improvement of the penal, correctional, and reformatory institutions throughout the country, and of the government, management, and discipline thereof, including the appointment of boards of control and of other officers.

3. The care of, and providing suitable and remunerative employment for discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

ART. II. The officers of the association shall be a president, vice-presidents, a secretary, a treasurer, and a board of directors, of which the officers above named shall be *ex officio* members.

ART. III. There shall be the following standing committees, namely: An executive committee, of which the president shall be *ex officio* chairman, the secretary *ex officio* secretary, and the treasurer *ex officio* a member; a committee on criminal law reform; a com-

mittee on police ; a committee on prison discipline ; a committee on discharged prisoners ; and a committee on preventive and reformatory work as related to children and youths, or juvenile delinquency.

ART. IV. The board of directors, of whom any five members shall constitute a quorum, shall meet at least annually, and in the interval of its meetings its powers shall be exercised by the executive committee, which shall fix its own times of meeting.

ART. V. Committees of correspondence, or branch associations for prison reform and for the aid of discharged prisoners, shall be organized in the several states, as may be found practicable.

ART. VI. Any person contributing annually to the funds of the association not less than five dollars shall be a member thereof ; a contribution of one hundred dollars at any one time shall constitute the contributor a life member ; and a contribution of two hundred dollars at any one time shall entitle the contributor to be a life director. Corresponding members may be appointed by the board of directors or by the executive committee. The power of electing officers shall be confined to the corporate members of the association.

ART. VII. The association shall hold an annual meeting at such time and place as the executive committee shall appoint, on which occasion the several standing committees, the secretary and the treasurer shall submit their annual reports. Special meetings may be called by the president or secretary in his discretion, and shall be called by him whenever he is requested to do so by any two members of the board.

ART. VIII. All officers of the association shall be elected at the annual meeting or some adjournment thereof ; but vacancies occurring after the annual meeting may be filled by the board of directors, who shall also appoint all committees not chosen at the annual meeting ; and all officers shall hold over till their successors are chosen.

ART. IX. The executive committee shall consist of seven members of the board of directors, besides the president, secretary and treasurer, who shall be *ex-officio* members, as the president and secretary shall be also of all other standing committees ; and three members of said committees shall constitute a quorum for the transaction of business.

ART. X. This constitution may be amended by a vote of a majority of the members of the association present at any meeting thereof : *Provided*, That notice of the proposed amendment shall have been given at the next preceding meeting.

11. BY-LAWS.

I. The order of business at each stated meeting of the board shall be as follows :

1. Reading of the minutes.
2. Report of the treasurer.
3. Report of the corresponding secretary.
4. Reports from standing committees.
5. Reports from special committees.
6. Miscellaneous business.

II. The president, secretary and treasurer shall perform the customary duties of their respective offices.

III. The president shall appoint the committees, unless otherwise ordered by the association.

IV. The president shall decide questions of order, subject to an appeal ; and the rules of order shall be those in Cushing's Manual, so far as they may be applicable.

V. No bills shall be paid by the treasurer unless approved and signed by the chairman of the executive committee, or by some other member of said committee designated by him.

VI. No alteration shall be made in these by-laws, except on notice of the proposed amendment given at a previous meeting of the board.

APPENDIX.

ANALYTICAL OUTLINE OF PENAL AND PENITENTIARY REFORM.

By M. BONNEVILLE DE MARSANGY, Honorary Counsellor of the Court of Appeals, Paris, and Member of the Penitentiary Commission of the National Assembly of France.

EXPLANATORY—The following essay of M. Bonneville de Marsangy, well known to the public of America as well as of Europe, as a criminalist and jurist of great ability and distinction, is given as an Appendix, for the simple reason that, until the indispensable portions of this volume had been completed and were in type, it was uncertain whether the secretary would be able to accomplish the translation of so extended a treatise in time for publication in the Transactions, but might, on the contrary, be obliged to issue it in a separate form. He has concluded, however, to delay the publication of the volume for a few days, so that the valuable paper of M. de Marsangy may be given to the public at once, and in connection with the other matter with which it stands so closely connected.

The following correspondence will show the origin of this dissertation, and the aim with which it was sought.

a. LETTER FROM DR. WINES TO M. DE MARSANGY.

HOTEL DU LOUVRE, PARIS, June 22, 1874.

M. BONNEVILLE DE MARSANGY :

My Dear Sir : America, like France, is making progress in the penitentiary question. The Prison Reform Congress, held in St. Louis last month, instructed the proper committees to prepare and submit to the next penitentiary Congress, in 1875, three drafts of law, accompanied by the necessary explanatory and argumentative reports, in the interest of prison reform, viz. : 1. *For a complete penitentiary system.* 2. *For a similar system of preventive and reformatory institutions for children and youths.* 3. *A revised code of criminal law, adapted to the present needs of society.* These three codes, or systems of law, when adopted by the Congress, are to be pressed upon the consideration and recommended to the favorable action of the legislatures of the several states composing the American Union. It is with special reference to the last that I would earnestly ask your friendly coöperation. Your genius has produced the best work ever given to the world on the subject of the reform of the criminal law. If you could and would put the principles of that work into the form of a *projet de loi* for our use in America, you might thereby perform an inestimable service to the cause of prison reform. I am quite sensible that it would require a great deal of labor ; but the cause is great ; and your heart is in it !

I have the honor to be, my very dear sir, always and faithfully yours,

E. C. WINES.

b. REPLY OF M. DE MARSANGY.

RUE DE PENTHIEVRE, PARIS, 15th July, 1874.

Mr. E. C. WINES, 320 Broadway, New York :

Dear Sir : In the interest of the important reforms which you pursue with such indefatigable ardor, you have, by your letter of the 22d June, been pleased to ask me to send you three drafts of codes, viz. : 1. A penal code. 2. A penitentiary code for young delinquents. 3. A penitentiary code for adults: The three drafts conceived from a point of view at once preventive, repressive, and penitentiary.

The question being thus perfectly epitomized, permit me to remind you that the drawing up or wording of these codes is but a matter of form, which may be varied according to the legislative precedents and usages of each state. What is, above all things, important, in view of the unification of these codes, is, to frame a programme or outline containing, in a synthetic form, a body of general principles, which shall be best adapted to prevent crimes and misdemeanors, to punish criminals, and, after having reformed them through their punishment, to secure their reabsorption into society.

Why have our criminal and penitentiary codes produced, hitherto, only sterile and insignificant results ? It is because they have all, in turn, decreed an excess of rigor, or an excess of indulgence ; because they have been conceived without logic, without judgment, without high philosophical thought ; because they have been ill adapted to the wants of times and of manners ; because they have never resolutely pursued the essential end of all penal and penitentiary legislation—the *progressive diminution of the number of crimes and relapses*.

It is this *analytical programme* that I have sought to develop in the paper which I herewith send you. I have omitted details, desiring to look at the subject only in its great outlines, and confining myself to fundamental points which, together, may give a practical and fruitful result.

For too long a time we have opposed to crime only feeble palliatives. Criminal perversity is a plague which must have a radical cure, if we are not willing to have it continue, increase, and, in the end, destroy us.

This plague begins by attacking infancy ; and it is to that point that society must direct all the efforts of its solicitude. "*Principiis obsta.*"

Infancy, morally or physically deformed, can be easily put right, by the application of suitable pedagogic processes ; and each cure, thoroughly effected, represses, in the future, a malefactor or a person of infirm purpose.

As regards adults, they can be reformed only by an attentive study and an intelligent treatment. "*Primum consideranda est persona nocentis*" (the first thing to be considered is the character of the offender). That is to say, be indulgent, if there is occasion, towards a first offense ; but, when necessary, strike vigorously the transgressor in the impulsive passion of his crime. Then reform him by the punishment itself ; raise and reinvigorate by degrees his good sentiments ; in short, endeavor to restore him to society as a worthy member.

Doubtless there are convicts who will resist all the means employed for their cure ; but they will be the small number. For hardened offenders, whom their impenitence marks as irreconcilable enemies of society, there is but one course—supervision by the police ; and if they commit crime anew, an increase of punishment proportioned to their incorrigibility.

In short, my dear sir, if we would succeed in making preventive, repressive, and penitentiary laws perfect, it will be necessary always to take account of the general average of our modern society—an average unhealthy and feverish, in which so many persons of feeble nature yield and are corrupted. The great remedy here is the improvement of our public and private manners, under the sublime law of the gospel.

To a far greater extent than is now done, we ought to propagate, everywhere, in the spirit of charity and genuine fraternity, the principles of justice, of duty, of loyalty, of honor, of disinterestedness, of generosity, which alone make and perpetuate great nations !

Whatever we may do, the best institutions will remain fruitless, in societies selfish, dissolute, and relatively devoted to material enjoyments and the worship of the golden calf.

The most effectual means of reforming the wicked is to instruct them, and to preach virtue by our example.

The educated classes, too much occupied with their business and their pleasures, are perhaps chargeable with the wrong of not having devoted themselves, with sufficient ardor, everywhere and always, to this propagandism of virtue, of which you, my dear sir, are the apostle, and which has procured for you in Europe so much sympathy.

Yet I find, in the series of your annual reports, such a wide expansion of generous sentiment, that I do not see any country in the world better prepared than the United States for the definitive triumph of true and sound ideas in the matter of penal and penitentiary reform. I am, therefore, happy to bring to you my humble tribute of coöperation, being sure that I shall be in absolute conformity of sentiment with your own convictions, and those of your eminent colleagues.

Be pleased to receive, dear sir, anew, the expression of my affectionate and cordial consideration.

BONNEVILLE DE MARSANGY,

Member of the Penitentiary Commission of the National Assembly.

c. A SECOND LETTER FROM M. DE MARSANGY.

PARIS, July 28, 1874.

My Dear Sir : On the 22d inst. I transmitted to the Legation of the United States, to be forwarded to you, the essay which you had requested at my hands, and which gives a résumé of my former publications. I have written it as legibly as possible, to facilitate the labor of translation. In that I impose upon you a painful task, but you will be repaid for your trouble, if this programme meets your approval, and if it becomes a means of real progress in those ideas of reform, which we share in common, and in whose propagation we both feel an equal interest.

As regards the small success obtained by modern criminal codes, we are compelled to acknowledge that the remedy they oppose to crime is radically insufficient. Your fellow-citizens, who are practical people, will think, as I do, that every medicine which does not cure, or which only aggravates the evil, ought to be abandoned.

What is lacking in our codes is, above all, common sense; now common sense demands that we do not treat a man like a brute. If he is so regarded, it is necessary to smite him without pity; but in that case, do not seek to lift him up, to reform him, to make of this brute a fellow-citizen. You will not attain that end; you will have before you only the *inferno* of Dante, or the cask of the Danaïds—despair or annihilation !

For myself, I am profoundly convinced that in every criminal there still remains a spark of goodness, which may be blown into a flame; that there is no human ore, from which there may not be extracted some particles of gold. This is the ground on which I claim that even the sinful and the fallen should be treated as ignorant and misguided brothers; as persons of feeble nature, yet still rational and capable of amendment, who may be led back to virtue by the very force of their passions, and whom society too often incites towards evil by its own vices and by its want of foresight, as well as by the *absurd immunities* which it accords to them.

From these elementary ideas is derived, in part, the system which I propose. In the first place, I would, by all imaginable measures of prudence, go in advance of evil, and seek to combat and overcome it in its source—infancy. Good education, physical, moral, religious, and intellectual, is the fundamental basis of order and public prosperity. This, of itself, will cut off one-half of the crimes committed. "The more you have of schools," my son has said, "the less need you will have of prisons."* The youth who is healthy and has been well reared, easily finds the means of living, and, since misery is the ordinary incentive to crime, he who readily earns a livelihood, naturally observes the law.

With regard to the adult, if he transgress, I would first give him a simple admonition, without affixing the stigma of a public punishment. If he commits a graver offense, I would impose a fine proportioned to his position, and always *double*, at least, the damage caused. If the fine does not suffice, I would complete the penal dose by cellular or individual imprisonment, and would, moreover, impose upon the culprit not only, as now, the cost of the prosecution, but also that of his imprisonment. This innovation is capital. If he is unable to pay in money, I would exact payment in labor, or in kind, to the public profit. Another capital innovation. In short, if he cannot or will not discharge the debt, I would treat him as a bankrupt, and deprive him of civic rights. A third capital innovation. Thus would be carried on, foot to foot, a struggle between crime and punishment; a struggle, in which the culprit would feel himself conquered in advance, and which would compel him to reënter the path of obedience to the laws. In vain would he essay to escape the grasp of the law by cunning or skill; he would dash himself against the insurmountable obstacle created by the common movement of society against him. The criminal becomes powerless when he sees, in every citizen, an agent of the law, an eye that watches him, a hand that seizes and hands him over to justice.

Let us now follow the convict into his cellular prison. It is for him a disciplinary school, where he will be able to rise again, to be regenerated by labor, by instruction, moral, religious and industrial. On the day of his liberation he ought, evidently, to go out, if not completely reformed, at least better than when he entered. This is, already, a notable result obtained.

If the offense has given occasion, besides the double fine, to an imprisonment of more than a year, the convict, on leaving the cell, will be subjected to the associated *régime*, agreeably to the Irish system; and it is well known by what a series of intelligent essays it will be sought, under that system, to make a new man of him; and how, by means of the intermediate prison and provisional liberation, his rehabilitation and re-absorption into society are facilitated.

If he has comprehended the benevolent, though stern, processes, which have again made him the arbiter of his own destiny, the convict is saved! If he has resisted all that has been attempted in his interest, and has been given up to his impenitence, there remains the surveillance of the police, as a last resource, to intimidate and restrain him; and in case he again falls into crime, he knows that he exposes himself to the severest penalties of relapse (*récidive*).

Unless a man has become absolutely insane, it cannot be supposed that he will run the hazard of continuing against society, which has shown itself so generous, so keen-sighted, and so strongly armed, a struggle now become hopeless, and whose inevitable and fatal conclusion will be a chastisement proportioned to the crime committed.

I maintain, my dear sir, that the system of repression and expiation, which I have attempted to epitomize in these few words, will prevent a large part of the crime which desolates society, and that by its action, at once humane, rational, and energetic, that is to say, without weakness, trifling, or needless cruelty, it will constrain the greater part of malefactors to make, willingly or unwillingly, submission and the

* Louis Bonneville de Marsangy—"De la Moralization de l'Enfance Coupable." Paris, 1867.

amende honorable to the law. In default of conscience, they will abstain from wrong-doing, as our sage Domat has said, "either through interest or through fear."

Thus will the end of criminal and penitentiary law be obtained.

Yours from the heart,

BONNEVILLE DE MARSANGY,

Member of the Penitentiary Commission of the National Assembly.

I. GENERAL CONSIDERATIONS.

§ 1. Social justice is then only legitimate, when it is the reflection and delegation of the justice of God. It must also distinguish the moral characters of men, and treat each according to his works. Outside of law, there are no efficacious penalties; no guarantees of public order; no amendment and regeneration for perverse men. Therefore, in the eye of penal justice, the chief personal consideration which should determine the mitigation or aggravation of the punishment, is that of the merit or demerit of the delinquent; in other words, that of his good or bad judicial antecedents. After having weighed the offense, the judge must weigh the offender; and, according to the united weight of these two chief elements of appreciation, he must increase or diminish the punishment. Leave out of view this last element, and the repression becomes, so to speak, materialized, being inflicted on the act rather than on the agent. It loses its character of distributive justice, and has no longer that nerve of sufficiency and efficiency, which ought to constitute the special character of a justice at once moral and enlightened.

§ 2. When we reflect upon the essential conditions of a penal and penitentiary system, founded on reason, justice, and humanity—sole bases of real *social utility*—we are conducted to the necessity of six grand divisions:

1. The determination of crimes and punishments (penal code);
2. The prevention of crimes (code of preventive justice);
3. The repression of crimes (code of criminal procedure);
4. The expiation or punishment of crimes (penitentiary code);
5. The supervision and patronage of liberated convicts;
6. Their rehabilitation.

These several parts are so closely connected with each other that, if a single one is removed, it will cause the whole edifice to totter. Thence the want of success of most of the attempts at progress in this field, which have been made, down to the present day.

§ 3. The determination of crimes and punishments has, in all ages, greatly occupied legislators and criminalists.

Crime is not a plague to which honesty is condemned by Providence; for it is evident that the epidemic of crimes may, under the empire of certain causes, *diminish or augment*.

A good penal code ought to prevent and repress all that which, directly or indirectly, tends to impair these imprescriptible blessings of man—honor, liberty, security, prosperity, and happiness. In this view, such a code is, without contradiction, the first need of regular society. Its revision and re-adjustment are inseparable from all penitentiary reform. The one cannot or ought not to be touched without the other. For this reason the Academy of Moral and Political Sciences of France proposed, in 1845, to the zeal of the juris-consults of France, the delicate task of harmonizing the criminal codes with the best penitentiary system to be adopted.

In effect, it cannot be denied that the influence of a good penal code and a good penitentiary régime have a very considerable effect upon the amount of criminality, and, consequently, on the moral state of a nation, on its manners, its security, and its general prosperity.

To this end, it is necessary that, in its entirety, the penal and penitentiary law should constitute a veritable treaty of social morals, in this sense that, by the proclamation of punishable acts, by the intelligent scale of its severities and its mitigations, by the choice and the nature of its punishments, by its several modes of expiation, and, in short, by its generous use of mercy, it should correspond exactly both to the innumerable shades in every violation of the duties imposed by conscience and universal morality, and to the varieties, no less diverse, of characters, of minds, and of hearts, which it has to direct, to reform, and to regenerate.

"The law ought to reform the manners of a people, because good manners become, in their turn, the best safe-guard of the law."

Without this austere and noble thought, which ought to animate all its provisions, the penal and penitentiary code will produce no reformatory influence. It will be but a cold and dry rule of external public order; too often, indeed, only a pernicious compromise with the errors, the prejudices, or the vices of the times.

"The mission of the legislator (a philosopher has said) is to resist what the spirit of the age has of the false and the impure, in the name of what it has of the true and the pure."

All that there is good in man comes from God. How, then, can man be made better, or lifted from his moral degradation, without drawing from the celestial fire, whence flow all noble and holy aspirations?

Legislators have committed the grave error of supposing that the principles of the *penal* law differ essentially from those of the *religious* law; and, applying to our age an expression pronounced by St. Jerome in the times of paganism, they have said: "*Aliæ sunt leges Christi, aliæ Cæsaris.*" (The laws of Christ are one thing, the laws of Cæsar another.)

It is to this baleful antithesis that we must impute much of the inefficacy of the repressive and penitentiary laws.

Undoubtedly, the law of Cæsar cannot embrace all that is imposed by the law of Christ; for the one concerns only the interests of time, the other those of eternity; the one rules only the actions, the other the conscience and the thoughts. But, although they have not an equal radius, these two spheres must, nevertheless, remain concentric, because they both have the same arc—justice! Hence the necessity that the penal and penitentiary code, in all that relates to order and high public morality, should be ever in accord with the gospel morality; and, above all, that, like the gospel, it should aim always to unite mercy and justice. "*Justitia et misericordia co-ambulant*" (justice and mercy go hand in hand).

§ 4. But in vain should we possess even a perfect penal code, if ignorance, idleness, misery and cupidity arm the sinews of the criminal, and engender new crimes; or, if repressive justice is irresolute and unintelligent; or, if punishments, ineffectually applied, send back to us convicts unreformed, and even more depraved than before; or, in fine, if the liberated prisoners, on the supposition that they have been reformed by their punishment, find themselves in society without friendly supervision and without support, and exposed to the same causes of crime, and if they have not in their heart, to keep them in the path of virtue, the hope of a generous and complete rehabilitation.

§ 5. The prevention of crimes, an immense work, which touches the highest questions of our social organization, has been, even to our day, treated almost as a generous chimera. Nevertheless, to keep citizens from all injustice; to cause them to remain, or to become, good and honest, and at least to respect the laws; in a word, to prevent offenses of every species—is not this the holiest, as it is the most salutary, mission of governments? Is it not the noblest end that can be proposed to the devotion and efforts of all the depositaries of authority?

Let me add that this prevention of crime is not only a duty of morality, and a

measure of good administration; but it is also an act of political prudence, a positive necessity laid upon us by the claims of the future.

§ 6. *Repression and expiation of crimes.*—Penal law has three essential and concurrent ends: it aims to arrest the offender in order to intimidation; it aims, also, to punish and reform him by the expiation. Here are three distinct but co-incident ends. Each of them, though in a different measure, is essential to the objective result, which is to prevent a new fall. Nevertheless, one of these ends must ever dominate, because to it alone is reserved the sovereign and definitive influence; because it alone has power to restore to society the normal condition of things disturbed by the infraction: it is the reformation or regeneration of the offender.

§ 7. *Supervision, patronage, rehabilitation.*—The man who has violated the law of his country, puts in peril the public order; he is a dangerous citizen. He is punished on the three-fold ground of necessity, example, and reformation. But his punishment may have proved ineffectual, and in that case he becomes a new danger to society. Thence the *supervision of the police*.

But even if the punishment has attained its end by the reformation of the convict, he may not, on leaving prison, have a family to receive him, nor a trade, nor means of subsistence. It becomes, therefore, necessary that society, as a prudent mother, come to his aid, and provide for him a place in the great family of honest laborers. It is necessary that, by removing from him the obstacles, often insurmountable, of misery and repulsion, society should prevent him, in spite of himself, from again falling into crime; and this all the more, if the liberated prisoner is a minor: Thence *patronage*.

Again, since it is admitted that the punishment, wisely proportioned and now properly ended, has resulted in the reformation of the offender; that the convict, restored to freedom, has found, in the succor afforded him by supervision and patronage, the aid which he needed in his effort to return to the bosom of the honest population; and that there he has begun a new life of labor, of probity, of quiet submission to law; all this being admitted, is it not just that society, of which, in spite of himself, he had, nevertheless, according to the beautiful expression of the Italian law, remained the child (*figlio anche della società*), should, after a sufficient period of probation, give back to this regenerated child, all the rights which he had forfeited by his crime, and lost by his punishment? Thence *rehabilitation*.

II. PREVENTIVE MEASURES.

§ 1. *Schools.*—To the purification of a stream, what is needed? The cleansing apparatus must be placed at its source. In the same manner, and in that only, shall we be able to diminish the impure oozings of crime. It is, therefore, chiefly, to the question of the moral training of infancy, that we must direct our attention; for it is this wretched, ignorant, neglected infancy which, at a later period, will constitute the entire body of criminals.

Study the antecedent life of adult criminals, and you will find that, with the greater part of them, the moral perversity which has caused their ruin, dates from their early childhood. That perversion—whence comes it? From two principal causes: one primary, the want of instruction and education; the other secondary, the misery and immorality of their parents. Let us hasten, then, to give to children the needful moral and religious instruction. This is a sacred debt. Society owes instruction to children, as it owes justice to men. Let us add to this, wherever possible, the rudiments of a classical and professional instruction; and we may rest assured that, by this prudent culture of the young generations, we shall speedily and infallibly see the level of crime brought to a lower point.

§ 2. If it is true, according to an old proverb, that "punishment, sooner or later, overtakes the guilty," or in the strong language of Staton, that "crime and punishment are, providentially, tied together by chains of brass," it is certain that the infraction of social laws is an act of madness, since the transgressor runs the hazard of suffering a greater evil through his punishment, than is the advantage which he sought to procure by his crime. This is so true that, of 100 criminals there are scarcely found three who have received a tolerable degree of instruction. Why is this? It is because instruction, besides civilizing man and making him better, gives him to understand the absurdity of crime; whence it results, that one of the most effectual preventives of crime is instruction in general, and especially moral, religious, and professional instruction.

The eminent philosopher, Victor Cousin, has said: "I am filled with wonder and grief that so much attention is given to prisons, and so little to schools. This is contrary to good sense. The education of the people is the necessary foundation of every good penitentiary régime."

"That is true," says M. Louis Bonneville de Marsangy, in his "Moralization de l'Enfance Coupable." "Schools before prisons, and prisons supplemented by schools." In a word, the more effort we put forth to rear and instruct children in the right way, the less we shall have to do in repressing the crimes of these children when they have become men; or, to say the same thing more briefly and better, the more schools we have, the less prisons we shall need.

§ 3. *Preventive admonition.*—The possibility of preventing crime in a certain measure is, in penal law, a verity as fundamental, as is, in theology, the existence of God. This prevention of crime is one of the most serious duties of society.

There are infractions which no human prudence can prevent. They are instantaneous transgressions (*ex improviso*); being the result of a sudden determination, of an accidental passion, or of some fortuitous circumstance. But there are many others which, like the graver maladies of the body, have their premonitory symptoms. As soon as these symptoms appear, society should be on its guard. "The justice which prevents," says Blackstone, "is far preferable to that which punishes." But, strange inconsistency, we take a thousand precautions to impede the spread of *epizootis*, but few to arrest the contagious epidemic of crime, by which society is desolated.

What, more than anything else, pushes a man on to crime, is the hope of impunity, for he well knows that of one hundred persons who commit crime, scarcely fifty are arrested or sentenced. We must, by all possible means, endeavor to put a stop to this bounty of fifty per cent., which is unceasingly offered to the genius of evil.

The repressive magistracy ought to have the *right* to summon before it every individual who appears to be on the descending grade of crime. Almost always, a benevolent notice by the magistrate, who holds in his hand the exercise of the judicial process, would suffice to bring back such a person to the right way, and cause him to renounce his evil intentions.

Unfortunately, society almost everywhere waits till the crime has been committed, to seek out the offender and punish him. This is called respect for human liberty!

In England, all justices of the peace have been armed with the tutelary right of notice. They have been authorized, from time immemorial,* to require sureties for good conduct, from all those who have an evil reputation or an ill-regulated life, with a view of preventing, on their part, every attempt against the order and peace of society. Thus they have the power to summon before them all persons who give occasion to scandal, or frequent places of ill repute, or lead a notoriously dissolute life, or make threats against persons or property, or are without visible means of support; also, idlers, vagrants, agents of prostitution, habitual drunkards, etc., etc.; and to give

* Statute 34, Edward IV, c. 1.

them warning, or, in case of need, to require of them sureties for good conduct, under penalty of bodily duress and imprisonment. By a still stronger reason, sureties for keeping the peace (*pacis tuenda*) are exacted of every person who has threatened a citizen, or who is reasonably suspected of criminal designs against any one.

This wise usage formerly existed in France, under the title of security (*asseurement*). It was attended with excellent results. No one dared to ignore or disregard this truce, this guarantee of peace, signed in presence of the justice; for our ancient manners declared that to prove false to this covenant was the greatest treason possible.

§ 4. *Repressive admonition*.—If our penal laws err in not being sufficiently preventive, they are, through fear of arbitrariness, chargeable with the equally grave error of not confiding sufficiently in the discretion of the judge, and of treating all offenders after a too uniform fashion.

Society ought not to subject any of its members to *punishment*, except when it cannot *otherwise* lead him back to virtue. To do so is an error, for punishment is just only when it is NECESSARY.

Another principle no less true: the milder we make the first step in criminal repression, the greater elasticity we give to the penal administration. The more we bend, the more we adapt ourselves to the innumerable variety of infractions, and the endless shades of relative culpability.

Still another principle: reason bids us admonish before smiting: "*Moneat lex antequam feriat.*"

In short, it being generally admitted that the punishment of *recidivists* may be increased beyond the ordinary limits, and even beyond the maximum, is it not equally logical to bring down below the minimum the punishment of *non-recidivist* delinquents, that is to say, delinquents sentenced for a first offense, whose infraction, otherwise trifling, is surrounded by circumstances of exceptional mitigation? Now, the penal minimum of misdemeanors being either fine or imprisonment, in the case above supposed a repression becomes necessary, which is less than fine or imprisonment. Such are the nature and object of *repressive admonition*.

This admonition would be a public notice that, in lieu of the prescribed penalty, the judge was authorized, in correctional cases, to give a lighter punishment to the delinquent offending for the first time, who should manifest penitence for what he had done, and whose infraction had been accompanied by circumstances of an exceptionally extenuating character. This admonition would not have the character of *punishment*, yet would involve the payment of costs and damages.

The French code permits, in cases of extenuating circumstances, a diminution of the punishment for misdemeanors to a day's imprisonment or a fine of one franc, but it does not permit, even in favor of the most honorable man, who, through some misadventure, may have committed a trivial infraction, to substitute for that day of imprisonment or that fine of a franc, the liberal measure of admonition. However small the infraction, however extenuating the circumstances, the law demands, absolutely, a *punishment* (imprisonment or fine), that is to say, a moral stigma affixed upon the man, as being a person who has been within the grasp of justice.

What happens then? Often in case of a trivial offense, clearly proved, the judge chooses rather to violate the law by an acquittal, than to burden his conscience with the disastrous consequences that may result from any condemnation whatever. He, therefore, declares the offense not sufficiently established, and releases the accused without costs. Thence proceed three unfortunate results—a judicial falshood, complete absence of repression, and costs charged to the public fisc.

Admonition would have prevented these evil consequences, at the same time that it would have attained the same merciful end. It would have preserved intact judicial verity; repressed the infraction by admonition; and laid the costs upon the accused. It would have prevented the repetition of the offense, without needlessly

diminishing, by the infliction of a *punishment*, that common treasure of honor, which is the chief wealth of a nation.

Admonition has existed from time immemorial in the judicial usages of England, and it is in part to this benevolent practice, that we must ascribe the respect and popularity there accorded to repressive justice.

§ 5. *Criminal registers (casiers judiciaires)*—As I have just spoken of recidivists, I take occasion to recall here the institution of the criminal registers, of which I have already, in this essay, indicated the aim and organization.

The criminal registers, established in France nearly a quarter of a century ago (1850), have already, in that country, in a repressive point of view, produced precious results, which the minister of justice has not failed to point out in each of his reports on criminal justice. They have been recently adopted in Portugal and Italy, and I feel sure that it will not be long before they will be introduced into the legislation of all civilized peoples. By means of them, the judge knows the exact judicial biography of every person charged with crime, and can, with absolute certainty, accomplish his work of distributive justice, showing himself indulgent or severe, according to the good or bad antecedents of the culprit, and thus proportioning the penalty, not only to the gravity of the offense, but, what is more to the purpose, to the degree of perversity of the agent. This is certainly an immense progress, since it alone can guaranty the effectiveness of the punishment.

But the criminal registers have another merit of no less excellence ; it is the considerable influence which they may directly exercise on the diminution of criminality, in a point of view specially *preventive* ; and this salutary influence can but increase in proportion as this institution shall be more generally known and understood among the popular masses.

In effect, if every individual who is meditating a violation of law, knew in advance that his condemnation, once pronounced, would be immediately inscribed, in characters of infamy, in the registry of his birth-place, where the memories of his childhood cluster, and where his family and friends dwell, it is not to be doubted that, more frequently than otherwise, he would recoil before this *local* publicity of his crime, a publicity which will dishonor him in the eyes of all who have known him, and bring despair to his family. Have we not sometimes seen the greatest criminals, even those insensible to the voice of their own conscience, troubled at the thought that their condemnation would grieve and disgrace either the innocent and pure infancy of their own children, or the last days of their aged parents ? “ I ask but one favor,” said an assassin on ascending the scaffold, “ it is that my crime may be concealed from my mother ; it would kill her ;” and, in fact, the wretched woman did not survive the dishonor of her child.

These sentiments are more frequent and more vivid than is commonly supposed in the hearts even of the most depraved, because their spring is in human nature itself. They abide there as the sheet-anchor of salvation ; the last glimmer of light, which, even to the end, keeps alive the hope of their return to virtue. The institution of the criminal registers is well adapted to revive these pious sentiments of honor and affection, and if, I repeat, it had passed into our customs or had become a part of the ideas and material of public education, it would be placed in the first rank among the agencies preventive of crime. In that case, the idea of the registers would be inseparable from the idea of crime. It would follow us everywhere, and would be to each of us like an echo of infamy, ready to reveal to all both the crime committed and the name of the criminal.

The man, however far removed from his relatives, feels that he cannot go a step further in evil, without the knowledge that the fall of that step will resound on the hearthstone of his family, and will carry to it sorrow, despair, and shame. Among the ancient Greeks, the achievements of the son crowned the father with honor. The criminal registers will produce, in a contrary sense, a similar effect, by inscribing

on the natal hearthstone, the crime of the son, now become a stain upon the father, the mother, the whole family. Instead of that common participation of honor to which I have referred as a custom of antiquity, it creates a common participation of infamy. That is justice; for the father, being by law invested with the right of paternal authority, ought to be, to a certain point, responsible for the perversity of his children. It is to a useful purpose that this responsibility quickens the solicitude of the parent and incites him to make sacrifices for the good education of those who are to continue his race and perpetuate his name, since it is mainly this education which, good or evil, will make of them honest citizens or malefactors.

§ 6. *Detention of persons charged with crime.*—Before seeking to ameliorate the régime applied to persons under sentence, society ought to endeavor to be just and humane towards those who are awaiting trial, and especially to shield them from contamination. These two classes of prisoners are essentially diverse, since the one is presumed to be innocent, while the other has been judicially pronounced guilty.

Nevertheless, almost everywhere, the accused and the sentenced are confined in the same prisons, and too often together.* To change this state of things is the first and most urgent of the reforms to be effected, if we would not make of this detention in common a veritable school of demoralization and an apprenticeship to crime.

But it is not sufficient to separate absolutely the accused from the sentenced; it is indispensable also that the former be separated from each other, and each individual placed in isolation.

Preliminary detention in common has been, for a long time, one of the plague-spots in our penitentiary system. Young and old, innocent and guilty, persons accused of misdemeanors and of felonies, are there mingled together in a deplorable promiscuity. This promiscuous association, which gives rise to all sorts of corruption, is intensely immoral. I would say even *illegal*, in this sense, that neither justice, nor society, nor the law has a right to subject, to the impure contact of criminals, persons who, though charged with crime, are more or less honest, and who, in the end, will perhaps be declared not guilty, since they are acquitted in the proportion of twenty-five to one hundred. The accused ought to be regularly detained only on the system of individual separation, for if they are finally declared innocent, society ought to restore them to their families in their original state of moral integrity; or, if they are declared guilty, is it not an inconsistency to corrupt them by the unhealthy atmosphere of associated imprisonment, and thus to make more difficult the work of reforming them by their punishment? At all events, even if justice has a right to imprison a person charged with crime, while awaiting trial, it clearly has not the right of corrupting him, by subjecting him to the contagious sojourn of the associated prison. Otherwise, it is responsible for all the future disorders and misdeeds which may result from this fatal association.

In France, public opinion, and especially the magistracy, have never ceased to demand the reform for which I am pleading. In 1844, twenty-three of our twenty-seven courts of appeal, and at their head the court of cassation, expressed the opinion "that it was a matter of urgent necessity to apply to prisoners awaiting trial the régime of individual separation." In 1873, these same courts, on being consulted by the Penitentiary Commission of the National Assembly declared, unanimously, that they were still of the same opinion.

For the rest, on this point there was never any difference of opinion in the different International Penitentiary Congresses which have heretofore taken place. It may be said that this important point is a question determined (*res adjudicata*).

Accordingly, the individual separation of persons awaiting trial is ordained by the first article of the bill, which the Penitentiary Commission has just submitted to the National Assembly.

* "There still exist, in France, more than one hundred prisons where the accused and the sentenced live in association." Report of M. d'Haussonville to the National Assembly.

III. PENAL AND PENITENTIARY REPRESSION.

A penal and penitentiary system, wisely organized, ought to cost nothing to the state. The expenses of the preliminary proceedings and of the punishment itself (*frais de répression et d'expiation*) ought to be almost entirely covered by the following measures, which common sense suggests, and which legislatures have too much neglected :

1. A more frequent use of fines to be applied, as far as possible, proportionably to the fortune of solvent offenders; to be commuted, for the insolvent, into labors of public utility; and, in all cases, to be raised to at least double the damage caused.

2. The addition, in all cases of punishment by incarceration, of an accessory fine, which would permit the prisoner to diminish, so far, the punishment privative of liberty.

3. The confiscation of all the objects, profits, and instruments of the offense.

4. The condemnation of all convicted offenders to the costs not only of the proceedings which resulted in conviction, but also of the entire punishment. Those who will not or cannot pay this just debt due to the state, should be deprived of their civil rights till full payment is made.

5. The product of the penitentiary labor of the convicts to be to the profit of the state.

6. An augmentation of the penalties of both fine and imprisonment, in case of relapse.

7. A stern application of the principle of civil responsibility for the omission of the duties of paternal authority, or of the obligations of civic coöperation.

8. The organization, upon a large scale, of provisional liberation, in the case of convicts who have been subjected to a fine.

9. Finally, a more frequent exercise of the right of pardon and of commutation of penalties, with the substitution of pecuniary fines for punishments privative of liberty.

As long as this system shall fail to be adopted and carried out in its entirety, criminals, besides the incalculable injuries caused by their misdeeds, will continue to levy upon society, year by year, an impost equal to the sum of the expenses of the prosecution and punishment which they occasion; and they will go on audaciously mocking at repression.

This is the reason why criminality is constantly increasing, through the very laws which are made to lessen it. This result is inevitable. When the remedy fails to cure, the disease always becomes worse.

§ 1. *Fines*.—The fine constitutes punishment *par excellence*, because it punishes without affixing any stigma; because it respects the liberty of the culprit; because it can be mathematically proportioned to the degree of repression needed; because, instead of depleting, it augments, the public treasury; because, in short, for all crimes of cupidity, which are incomparably the most numerous, it is the punishment most analogous to the crime committed, and is therefore the most efficacious.

It is for this reason that the learned Bentham declares it to be the most generous, the most liberal, the most easily applied, and the most economical of all punishments.

On these grounds, fines ought to be made the essential basis of the penal system, that is to say, the general means of amending criminals, and recalling them to a respect for the law.

In a positive and calculating age, like ours, money ought to be made, more than ever, a serious and vigorous agent of repression.

On this account, it would be desirable that fines should become a mode of punishment not only common as regards crimes and misdemeanors, but be made, in general, applicable to every species of infraction, whether as the sole or an accessory punishment. Is it not true that liberty and wealth are, next to honor and life, the most

precious possessions of man in society? It is, therefore, clear that the malefactor whose life and honor the law has spared, will be so much the more easily held in check, in that the punishment attacks him in two of his principal centres of sensibility, and takes from him, at a single blow, a portion of his competence and a portion of his liberty.

It cannot, then, be doubted that fines, fortified, if necessary, by incarceration, are more truly repressive than the simple penalty of imprisonment.

All trivial offenses ought to be punished by fine alone, because it is contrary to justice to punish, by a needless duration of imprisonment, what can be sufficiently restrained by a fine that might prove equally efficacious.

As regards graver offenses, they should be punished both by fine and by a supplementary penalty of detention. Instead of saying, with the ancient Germanic legislation, "Let a fine be affixed as the *only* penalty to every crime," I would say, "let a fine be affixed as *a* penalty to every crime." Apart from their inherent afflictive power, fines have a special efficiency, as the chastisement to be ordained for all crimes prompted by cupidity.

It being taken for granted that the thief steals the property of another only to enrich himself, it follows that, if we desire the punishment to be deterrent and repressive, it is necessary, at all hazards, that the criminal feel it in his pocket; in other words, it is necessary that it should substitute, for the good which was the object of illicit desire, an evil inversely superior to the benefit that the crime was intended to procure.

If upon the thief who has taken 1,000 francs you impose a simple penalty of imprisonment, he will submit to it, happy perhaps in having, by a temporary sacrifice of his liberty, acquired a little fortune. You have stricken him without touching his cupidity; or, if you sentence him to a fine of a 1,000 francs, the profit and loss forming an equation, there will remain, in the possession of the criminal, the chances, always numerous, of impunity. His cupidity will be neither repressed nor conquered.

If, on the contrary, you impose upon him, according to the circumstances, and independently of the supplementary penalty of imprisonment, a pecuniary fine, double, triple, or quadruple the illegitimate benefit which the crime was intended to procure him, in that case, smitten directly by the very passion which impelled the theft, punished on the very spot where he sinned, he will understand the necessity of restraining himself in the future, since his crime, instead of enriching, will have impoverished him.

"Thus," says the sage Domat, "the malefactor will eschew crime, either through the exercise of reason, because he will not thereby attain the end of his covetous desire, or from *interest*, because the evil inflicted by the penalty of fine, will exceed, doubly or trebly, the pecuniary profit of the crime."

I suppose that no one will deny that a fine, thus imposed, would be completely efficacious, as regard criminals more or less solvent. We shall soon see how an equal efficiency may be given to it in respect to the insolvent.

§ 2. *Objections.*—But it will be said that these pecuniary penalties, to the amount of double or triple the benefit which was the object of the crime, and those which you propose to apply as accessory penalties, will strike the rich and the poor unequally, which is contrary to justice. No; because, to avoid this fatal inconvenience, I have proposed that, within certain limits, the fines be always proportioned to the pecuniary ability of the delinquents; and in order that the fine may never become a confiscation, I demand that, as in the codes of Brazil and Portugal, its maximum be fixed at a sum equal to the income of the offender for a certain number of days or of years.

This principle once fixed in the law, its application would be entrusted to the wisdom and knowledge of the magistrate. The computation of the solvency or income of

the delinquent would not be more difficult to make, than the appreciation of his moral character. For the rest it is *possible* to make such a computation, for it is done every day by the tribunals of Baden, of Württemberg, of Belgium, of Brazil, of Spain, and of Portugal.

Under the legislation of these countries, fines have ceased to be either illusory for the rich or ruinous to the poor; they bear, with equal weight, upon all delinquents; and thus is solved, as far as may be, the grave problem of the equality of penalties.

§ 3. *The insolvent.*—But how to recover fines from the insolvent? Nothing is more easy. I call attention to the fact that our French law of the 22d July, 1867, which abolished constraint of the body in matters civil and commercial, has taken care to retain it in matters criminal, correctional, and pertaining to the police, for the *recovery of fines*. Under this law, even the insolvent offender, in default of payment of the fine, undergoes an equivalent incarceration. And this is just, since the fine, pronounced against a poor man, ought, as a general thing, to be proportioned to his means, and therefore be so light that he may re-imburse it by the product of his labor.

The 210th article of the French code relating to forests has ordained a mode of payment of fines, which, if made general, would enable all insolvent offenders to free themselves from fines, restitution and costs, by means of payment in kind (*prestation en nature*), consisting of labor, support, and improvements made in the forests, or on the neighboring highways. The council-general of each department determines the value of the day's work in kind (*de prestation*).

Nothing then is more simple than to organize, in favor of all insolvent offenders, this commutation of fines into labors of public utility. "This mode," said Baron von Holtzendorff, at the Penitentiary Congress of London (July, 1872), "is employed in Prussia with entire success."

Thus should we make of pecuniary fines a punishment proportionally equal for all, a punishment which, in a great number of cases, could be fruitfully substituted, wholly or in part, for imprisonment. I add that we should thus soften, as far as possible, for the insolvent, the rigors of bodily constraint, and at the same time should confer a benefit upon the state or the commune, by this product of repression which is, at present, almost wholly lost.

Finally, in addition to the incalculable advantage of putting an end to this quasi-impunity, enjoyed by nearly all insolvent offenders, we should no longer see, to the great scandal of justice, the poor man sentenced to prison and disgraced because of his poverty, while the solvent man is visited with a simple pecuniary fine.

IV. PENITENTIARY DETENTION—INDIVIDUAL SYSTEM.

§ 1. Thus, as I have said, pecuniary fines—that penalty *par excellence*—being proportioned to the gravity of the infraction and the means of the delinquent, may suffice for the repression of the greater part of trivial offenses. As regards all others, whatever their nature or their gravity, a fine should also be imposed on the culprit to at least double the amount of damage caused, besides requiring him to undergo a term of penitentiary imprisonment, of a longer or shorter duration.

Since the principal aim of this privation of liberty is the moral regeneration of the prisoner, it is essential that, at whatever cost, the imprisonment be made reformatory. How to secure this end? That is the question.

Why have the numerous systems, devised or essayed in different countries, with so much ardor and devotion, been attended with so little success? It is because, without regard to the infinite variety of instincts, characters, degrees of guilt, etc., nearly all these systems have treated their convicts after a uniform manner, and in the mass; never individually and according to their relative personal infirmity; it is because

none of them have been based upon the only principle that can effect the regeneration of man, the Christian principle of a discrimination of moral characters: it is because none of them make an adequate appeal to reason, to repentance, to the moral elevation of the convict; it is because none of them, to revive and strengthen the soul of these unhappy creatures, hold out, in recompense of their reformation, the hope of an abbreviation of their punishment: it is, in short, because the greater part of these systems do nothing to prepare their subjects for a return to society. Hence those numerous relapses, which arraign either the inefficiency of the penal and penitentiary action or the shortsightedness of society, and which, for one or other of these causes, or both conjoined, is a perpetual danger to the public security.

All good men agree that the system of individual imprisonment, day and night, is the most repressive, the most rational, the most reformatory.

It is the most repressive. That is clear as the sunlight.

It is the most rational. For, what is crime? An act essentially individual and personal, voluntarily committed by the transgressor for his own proper and illicit gratification. Whatever the motive of the crime, the impelling cause is none the less individual, just as its legal consequences are. The punishment, then, ought to be individual and personal, as the crime was. Again, is it not pronounced against the culprit alone? And are not its nature and duration determined by the special gravity of the criminal act, and by the age, sex, character and antecedents of the person to whom it is applied?

It is the most reformatory.—We can no more understand a punishment suffered *en masse* than we can a sentence pronounced in the same manner, that is, against all the authors of the same sort of infraction, whatever their gravity or triviality. He who has been overtaken and smitten by justice ought to bear individually the weight of this punishment, because it is a curative treatment, and on that account should be specially proportioned to his culpability. It is necessary that we be able to follow the progress of his moral cure; that to this end we remove him from the mocking gibes of his comrades in captivity, so that we may make an appeal to his conscience, his repentance, in solitude; and that we address to him, personally and privately, the instructions and counsels that are suited to win him back to a life of virtue and honor.

Besides, is it not as unjust as it is inhuman to expose the convict, whom we desire to reform, to the daily contact of perversities of every kind, and consequently to the danger of a companionship so much the more to be dreaded, as the corruption engendered by it is increased and aggravated by the very number of prisoners, who are thus brought together?

If then, in theory, individual imprisonment is, without contradiction, the system most repressive, most rational and most reformatory, why is it not everywhere received and applied? For three reasons: 1. It involves large expenses. 2. Its application to punishments of a too prolonged duration is liable to degenerate into a species of barbarism. 3. Simply and purely applied, without any transitional state between isolation and full liberty, it becomes an obstacle in the way of the reabsorption of the liberated convict into society.

In order, then, to preserve to the system of individual detention all the advantages offered by it, it will be sufficient to devise, in its application, such combinations as will relieve it of the three grave objections just indicated.

§ 2. *Application of the system of individual imprisonment to punishments of a short duration.*—For punishments not exceeding a year and a day, individual imprisonment is, by common consent, the best system. Without being inhuman, it is sternly repressive, since it implies the deprivation of liberty in its highest sense. It is at the same time reformatory, since it secures the most favorable conditions of penitentiary influence to whatever process of moral instruction may be employed. By its restricted

duration, it is safe against the danger of rendering the convict unfit for the exigencies of free life. It conserves to him his physical and intellectual forces, and his family and industrial relations, so necessary to his easy return to society. For these short terms of imprisonment, it would even be less expensive, since, on account of that very shortness, a single cell will serve for the successive detention of many convicts.

This system would realize a very considerable amelioration for this reason, too little noticed, that, according to criminal statistics, three-fourths of the sentences to imprisonment, pronounced by the courts, do not exceed a year.

I add that it is, above all, important to give heed to this trivial criminality, because it not only comprises the greater number of offenders, but is also the most easily cured, by reason of the lighter character of the infractions and the less advanced age of the culprits; and because it is this which, if not vigorously repressed, leads on, almost always, to the higher grades of criminality. In truth, in countries which, like France, enjoy the advantage of the criminal registers (*casiers judiciaires*), it is ascertained that a full moiety of the persons accused of crimes have been previously punished for misdemeanors. Now, if these persons had, for their first offense, undergone a punishment free from all corrupting contact; if, under the cellular régime, they had been taught, catechised, morally instructed, and subjected to the necessity of industrial labor; and if their punishment had been made the occasion of perfecting their professional aptitudes—there is no doubt that the greater part of them would have returned to a regular life, and consequently would the more easily have found their way back to a position among honest laborers. Such a result would have caused a noteworthy diminution of the higher criminality.

These observations are suggested by common sense, and carry their own evidence with them. Nevertheless, this singular objection has been made: "How impose the rigors of isolation on persons sentenced to short imprisonments, when those condemned to longer terms are subjected only to an imprisonment in association?" For the simple reason, that it is a remedy of this energetic nature which, in a small dose, cures, but, in a large dose, might kill. Why be astonished that we desire to apply to prisoners, sentenced to short punishments, a régime recognized as salutary and without danger for them, even though we hesitate to apply it to those sentenced to long punishments, for whom it might prove intolerable or fatal? The objection, therefore, is without force.

Individual imprisonment, applied within the limits suggested, raises no difficulty. All the countries that practise it in this manner are more than satisfied with its results. It is the system which I have always recommended for short punishments, and it is that which has just been proposed by the High Penitentiary Commission of the National Assembly of France. This commission has availed itself of the knowledge of the most competent persons as well in foreign countries as in France, among whom we are proud to cite the names of Sir Walter Crofton and Dr. Wines.

Under this new régime, persons arrested on a charge of crime, and held for preliminary examination or trial, are subjected to individual or cellular detention.*

*Three classes are named in the original, viz., *inculpés*, *prévenus*, and *accusés*. The definition of each of these was given in my report on the Congress of London, made to the President of the United States last year. The paragraph containing these definitions is here re-produced, and is as follows:

Before proceeding to any description of the prisons of Paris, however brief, it seems desirable, if not necessary, to give explanations of a few terms employed in the French criminal nomenclature, to which we have none in English exactly corresponding. I refer to the words *inculpés*, *prévenus*, and *accusés*. The *inculpés* are persons who, having been arrested either on a warrant or *flagrante delicto*, are conveyed, prior to a hearing, to some prison for safe keeping until their preliminary examination takes place. Both the *prévenus* and the *accusés* are *inculpés*, who have had their first hearing, and have been ordered by the committing magistrate (*juge d'instruction*) to be held for trial. But there is a difference between them. The *prévenus* are prisoners held for trial on a charge of misdemeanor, (*délit*); the *accusés* are prisoners held for trial on a charge of felony (*crime*). The

Prisoners sentenced to less than a year and a day of imprisonment will undergo their punishment separately, in cells sufficiently spacious and airy, where they will receive all the visits, instruction, and counsels, that can contribute to their regeneration. Labor will there be obligatory. There will be a diminution of one-fourth of the punishment, when undergone in separation. Persons sentenced to more than a year and a day will have the option of individual incarceration.

§ 3. *Punishments of long duration.*—If individual imprisonment could be indefinitely prolonged without danger to the reason and the health of the prisoners, we might logically admit that it should be applied to punishments of a long duration. But humanity demands a renunciation of long continued imprisonment of this sort, because cellular separation, in whatever manner applied, may insensibly induce a consumption or deadening of the prisoner's energies, physical, intellectual, and moral; because to sequester, for long years, a human being, would be equivalent to plunging him, living, into a tomb; because, moreover, this system would involve enormous expenses, before which all the great states have recoiled; and because, finally, in such a system, even though it were practicable, there will always be the inevitable inconvenience of discharging the prisoner, at the end of his sentence, so emasculated and enfeebled, so little prepared for ordinary life and for the relations and necessities of free labor, that it would be impossible for him to be readily reabsorbed into society.

The High Penitentiary Commission of the National Assembly, of which I have already spoken, has not yet adopted the system which shall seem to it the best for criminals sentenced to long imprisonments.

For myself, the system which I propose for such prisoners is associated imprisonment, in establishments not containing, at the utmost, more than 500 inmates. But this imprisonment should be modified by whatever may contribute to render the associated régime at once repressive and reformatory, to wit: By an initial period of cellular incarceration; by a certain number of separate and successive stages; by the employment of marks; by the intermediate prison; and finally, by conditional liberation:—in other words, by the system which I had proposed and published, as early as 1846, and which, adopted by England, in 1857, and so ably applied in Ireland by Sir Walter Crofton, has since been called the Irish Prison System.*

§ 4. *First stage of expiation or punishment.*—The primary aim of punishment, as I have said, is the reformation of the culprit, with a view to preventing another fall. To this end, it is necessary to act not only on his body, which has been the passive instrument of the infraction, but upon his soul, upon his intelligence, the sole active and conscious agents, which have inspired his conduct and perverted his will. To accomplish that, what is to be done? We must first seek out the real cause of his crime. "*Causa cognita, remedium facile.*"

This primitive and radical cause is—not idleness, nor misery, nor disorderly habits;

two classes are taken before different courts for trial—the *prevenus* before the tribunal of correctional justice, where the trial is by judges alone; the *accusés* before the court of assizes, where they are tried by a jury.

* It is now almost universally called, and such, no doubt, will be its title in the coming ages, the "Crofton System." Could there be a fair distribution of honors in the title, it should be named "The Maconochie—Marsangy—Crofton System of Prison Discipline." These names are here given in the order of their respective propositions relating to penitentiary reform. Maconochie commenced his great experiment in Norfolk Ireland, in 1840; de Marsangy announced his prison system, in a discourse of high eloquence and power, pronounced before the bench and bar of Rheims, at the opening of the court of that city in 1846; and Sir Walter Crofton, possessing the highest organizing and administrative genius, devised a scheme of prison discipline which embodied the principles that had been announced by his two illustrious predecessors, and which, in 1853, he successfully applied in the reorganization of the convict prisons of Ireland.

these are simply secondary and occasional causes; the real cause is, almost always, feebleness of the intellect or of the moral faculties, which has made them yield to evil temptations. Now, it being certain that the convicts will, on their discharge from prison, again encounter all these evil temptations, which will have become more urgent than before, if we would effectually save them for the future, we must, by the punishment itself, strengthen this weakness, which has been the cause of their fall; we must develop in them a new intellectual and moral energy; we must enlighten their mind, where darkness has its dwelling through ignorance; we must raise and rectify their soul, bound down and degraded through lack of education; in one word, we must, as far as may be possible, re-instate the criminal in the normal conditions of social life, by restoring in him the intuition and the love of goodness, the idea of justice, the sentiment of honor and self-respect, the sense and the appreciation of man's dignity and worth. It is thus, and thus alone, that we can *reform* him.

But how to act on the shattered and depraved soul of the malefactor, on his conscience, indurated or asleep? By awakening in it repentance, essential element of every moral cure.* Now, repentance implies the discernment of moral good and evil. This discernment requires the aid of reflection and instruction. The condition indispensable to the success of instruction, as to that of reflection, is the calm and silence of the soul in solitude.

Is it not plain that if justice, after having convicted a hundred malefactors of crimes more or less grave, immediately places them all in association, in the same prison, there will be, in this promiscuity, an absolute obstacle to all thought of repentance, to all salutary reflection, and that from the contact of these divers perversities, all still in the acute state, there will, infallibly, be developed a moral contagion latent, profound, irremediable, which no ulterior efforts will be able to arrest or to conquer?

Common sense, then, requires that we place, at the threshold of a rational system of associated imprisonment, a stage of individual detention. Without this preliminary sequestration, nothing can be done that will give solid results. Just as, in a well ordered congregate prison, we take care, on the admission of a convict, to disinfect him physically, by the purifying process of a bath, and to assure ourselves that he has no contagious disease, in like manner and by a stronger reason, the convict ought not to be permitted to mingle with his prison comrades before we have sounded the secret plagues of his soul, brought him to a pause and to meditation on his crime, won his confidence, received his explanations, awakened his conscience, and made an appeal to his penitence; that is to say, essayed to disinfect him morally.

Here isolation is not simply the first stage in the punishment: it is the preliminary treatment required in order to his reformation; it is the period of reflection; it is the preparatory step in the work of restoring him to moral health.

Thus looked upon, cellular detention becomes, in punishments of a long duration, the corner stone of every system which is really penitentiary, that is, which leads to and issues in penitence and amendment. It is in this view that it is made one of the bases of what is called the Irish prison system. Therefore, in my opinion, every convicted criminal, on his entrance into a penal establishment, ought to undergo, in cellular separation, a sort of quarantine, whose maximum might be fixed at a year. This sequestration, without any ill effect upon the health, would constitute the first stage of the penalty. It is in the order of nature that it should be more painful, since it approaches nearest to the crime committed; it is just that it should be sharper, because the punishment ought at once to exert its repressive force.

In this stage, the convict should be at first deprived of work, receiving neither letters nor visits from outside, and having only the food and clothing necessary to keep him from hunger and cold. Thus withdrawn from companionship, without any

* "*Sans le repentir, point de salut.*" (Massillon)—*Without repentance, never can man be converted from vice to virtue.*

distraction whatsoever, and placed, so to speak, before himself, the convict will, of necessity, connect with his present sequestration the memory of his crime. However deficient in intelligence we may suppose him to be, he will readily comprehend why the law has sequestered him from a society which he troubled by his presence. In the tedium of his solitude, thinking, it may be, on the beings whom he loves and from whom he is separated, or upon the long privation of liberty that awaits him, he will be compelled to recognize, at last, the danger and the fruits of crime. Little by little, remorse will work itself into his heart, and to the feverish perturbations of crime will succeed that beginning of calm and abasement of soul, which are so favorable to the awakening of the conscience. Conscience, it has been well said, is the voice of God within us. When the conscience revives and makes itself heard, the man is already half saved.

It is easy to see that, in this situation, the visit of the director, of the chaplain, of the teacher, will be, for him, a benevolent diversion. He will be more inclined to reply to their questions, to accept their counsels, to listen to their paternal remonstrances and admonitions. If he feels some touch of penitence, he will, at least, be able to express his sentiments without dread of the jeers of the other prisoners. There will be nothing to obstruct or counteract the kind and encouraging words that may have been addressed to him.

After he shall have gained, from the solitude and idleness in which he had been *purposely* left, all the advantage they may yield, he will have fully explained to him what the penitentiary system is; the conditions required for admission into the common workshops; and the value of the good marks which he will be able to earn. He will be informed that, notwithstanding his crime, he can, by a genuine reform, regain his own self-respect and the respect of society; that he is, in fact, master of his own destiny; and that, if he passes successfully through the several stages which conduct to the *intermediate prison*, he will be able, by his own efforts, while perfecting his aptitudes for labor and laying up a little capital, to shorten his punishment through the benevolent provision of conditional liberation.

It is then, and only then, that, to lighten the burden of idleness and afford relief to the tedium of solitude, work may be granted to him, as a favor. Rest assured that you will then see him receive, with equal interest and gratitude, all the instructions, professional, intellectual or moral, which may be adapted to enlighten, to guide, to reform him.

I need scarcely say that, as the end of this period of isolation approaches, the food of the prisoner should be increased, in view of his early promotion to a stage where the labor will be harder.

It is only after having been, by this species of penitentiary noviciate, suitably prepared for reformatory agencies, that the convict will be admitted into the first *associated workshop*.

Here comes in the customary objection: "You will thus destroy all the fruits of isolation." By no means; because, in this first associated workshop, instead of those impure agglomerations, those foul and brutal perversities, which fester in our existing prisons, the convict of whom I speak will find only prisoners who, like himself, have passed through the purifying stage of isolation; like himself, have been placed in a position to reflect upon their crime; like himself, have received counsels and instructions wisely adapted to their age, their character, their family relations, and the nature of their offenses; all of them comprehending, as he does, the regenerative aim of their punishment; all happy, as he is, in the milder treatment now accorded to them; all, consequently, anxious to show themselves worthy of this alleviation, by their industry and obedience; all, in short, feeling little disposition to give occasion, by their misconduct, for a return to the cell, of which they must retain the memory, and which, if there is occasion, must become, for them, the cell of *disciplinary repression*.

It is clear that, thus modified by preliminary isolation, the associated régime no longer involves, in the same degree, the peril of that moral contagion with which it

is charged, because, I repeat, the prisoners in this first workshop will all have been more or less purified by the isolation of the cellular stage; because their good conduct will be the sole and rigorous condition of their continued stay in this associated workshop; and because they will be immediately banished from it and sent back to the cell, so soon as their presence shall become a cause of disorder, of scandal, or of demoralization.

From all which it results, that the convict, who, after his period of isolation, shall have been admitted into the common workshop, will have little to fear on the score of moral exposure; he will there find, on the contrary, the incalculable advantage of being able to restore himself to the franchises and ordinary relations of free labor, and the still more precious advantage of seeing, in proportion as he shall return to a moral life, his punishment mitigated, and finally abbreviated, through the division into classes, or by means of the successive stages, which remain to be explained.

§ 5. *Utterior stages of the punishment.*—The reformation of criminals is a *moral rectification*. It can only accomplish its object gradually, and by successive transformations.

After the period of isolation and reflection, must come the stage of associated imprisonment, either in a workshop appropriated to industrial toil or in agricultural labors, with a liability to be returned to the cell for misconduct. This of itself would be no inconsiderable advance upon our present mode of imprisonment. But we must not stop here, if we propose a solid and radical reform. Proceed we then in our work.

It is in this first common workshop that we must make the examination and discrimination, the careful weighing, of moral character. The discipline will there be austere; the labor hard, and without remuneration, properly so called. The conduct, the industry, the application to moral, religious and scholastic instruction, will be noted, day by day, by means of marks. As at Mettray, these marks will have both a moral and monetary value, clearly defined and well understood. In this latter relation, they will be placed to the credit of the convict, and will go to augment the *peculium* reserved for the day of liberation. In the first relation, they will serve to regulate his progress, and to determine the category, or stage, to which he is, from time to time, to be assigned. At the end of each month, the prisoners whose marks denote *demerit*, will be returned to the cell, so that there may be maintained, always, in the common workshop, a fair state of moral deportment.

As regards those who, for a certain period, shall have been noted for their exemplary conduct, their diligence, and their willing obedience, and who shall thus have gained the requisite number of marks, they will pass into another shop, which will be their second stage, in the penitentiary highway.

In this second stage of expiation, the clothing will be different, the discipline milder, the dietary better, and the labor *remunerative*. The wages, or gratuities, thus earned, will constitute, at the expiration of the punishment, the capital (*masse de réserve*) of the convict. The marks will continue to authenticate the conduct of each prisoner; and they alone will be able to open to him the door of another workshop, which will be the third stage in his punishment.

It is scarcely necessary to say that the elect of this third workshop will there enjoy an additional measure of well-being and of encouragements or immunities, corresponding to their more advanced state of moral amendment, as also to the degree of confidence inspired by their new birth of moral character.

Here, as in the anterior stages, the punishment will always be placed beside the reward. Just as misconduct or idleness will cause the lowering of the grade and the sending back of the convict either to the next workshop, or even to the cell, continued effort and persistence in virtue, will promote the most meritorious convicts to the last penitentiary stage but one—to that new establishment—which I have called the *intermediate prison*, because it is the probation, placed between the three stages above described and conditional liberation; an institution which, while guaranteeing

the convict against himself by investing him with a sort of demi-freedom, will precede the natural termination of his sentence, under the title of exceptional reward of good conduct, and as an authentic certificate of reformation.*

The idea of the intermediate prison is closely allied to that of provisional liberation. They are two connected institutions, intended to complete the proof of the prisoner's regeneration, but especially, to put an end to the repulsion ordinarily inspired by discharged convicts, by exhibiting to the public the entire confidence felt by the administration in their reformation.

As early as 1847, I pointed out these two institutions as the *necessary complement* of a good penitentiary system.† In truth, inseparably connected with the duty of reforming the criminal, is another duty resting on the administration, that of discharging him at the expiration of his punishment; and this desire exists even in the case of life sentences, which (let me say it to the honor of my country) are commonly limited through the clemency of the head of the state.

It may be said then that, sooner or later, every convict should resume his place in the bosom of free society. But in vain will he leave the prison-house *reformed*, if then, repelled by all insurmountable obstacles prevent him from regaining that place to which he is entitled, and compel him, in spite of himself, to the cruel alternative of dying of misery and hunger, or of seeking a desperate refuge in crime. Thence it results, that it is not enough to have effected the reformation of the convict; we must, at the same time, endeavor to prepare and facilitate his return to that society from which his punishment had, for a longer or shorter time, removed him. And, certainly, we have great reason to congratulate ourselves, if the means devised to that end are equally suited at once to secure his reformation and to attest its reality.

§ 6. *Intermediate prison*.—If it is past doubt that the privation of liberty is a real suffering, it follows that the hope of shortening this suffering must be one of the strongest incentives to good conduct. Punishment and reward, thus joined together, strengthen each other, and exert a more salutary influence. They offer, besides, the incomparable advantage of putting the administration in a condition to verify, so far as that is possible, during the progress of the punishment, the genuineness of the reformation, and consequently to be able, in case of a mistake, to apply, in season, a remedy to the insufficiency.

Let us suppose a convict to have passed successfully through the various penitentiary stages of which I have spoken, and that the expiration of his punishment is near, or even still distant, it is important, in view of his future return to society, to know whether his moral cure is *certain*, so that we may judge at what point he may be liberated in advance of the expiration of his sentence, without danger to the public safety: such is the object of the intermediate prison.

This prison may be in a special department of the penitentiary, or, better still, in a distinct establishment. There will be admitted into it only such prisoners as are believed to be already completely reformed. Here, then, in some sort, there will be no more guards and sentinels; no more grates or bolts; no more marks; no more disciplinary punishments; nothing, in short, that reminds of the cell, of authority, of the mistrust which inheres in punishment.

For these convicts who are adjudged reformed, and who are proud of the distinction, the place of detention is transformed, almost, into a veritable manufactory, or into a great agricultural enterprise. They are no longer prisoners, but workmen. They will enjoy all the remuneration and all the immunities of free labor. They will have, henceforth, so to speak, not guards, but monitors, chosen from among the more meritorious of their own number. On days of rest, they will be permitted to renew all

* *Traité des Instituts Complémentaires du Régime Penitenciaire, Chap. de la Libération Préparatoire*, par M. Bonneville de Marsangy, Paris, 1847.

† *Ibid.*

the relations of family and friendship. According to circumstances, they will obtain permission from the director to work outside for the benefit of the establishment, as also to make preparations as regards residence and labor against the day of their conditional or definitive liberation. In one word, the intermediate prison, which the English have called the "purgatory of prisoners," is, I repeat, only a sort of *penitentiary lazaretto*, where all the prisoners, according to the assets of their moral account, await the day of their release (*libre pratique*) and their departure.

Let it not be said that the prisoner will take advantage of his privileged condition to escape. No, they will not escape, because they will be restrained by the good sentiments of which they have given proof, and will justify the full confidence which is felt in their loyalty.

It need scarcely be added, that the least departure from right, the slightest transgression of the rules, would cause them to be sent back to the prison specially devoted to repression. It is equally unnecessary to remark here, that persons sentenced for grave crimes can, with rare exceptions, obtain, by their good conduct, the benefit of the intermediate prison, and that recidivists who, during the expiation of a first penalty, have had that advantage, are henceforth absolutely excluded from it.

§ 6. *Conditional liberation*.—It is from among these inmates of the intermediate prison that will be selected those who, by reason of an exceptional good conduct, shall be adjudged worthy to obtain, from the benevolent justice of the government, either a definitive liberation by way of pardon, or, more often, the benefit of conditional liberation.

In my work, entitled "*Amelioration of the Criminal Law*," I have pointed out the rigorous conditions of this conditional liberation, an institution which had its birth in France,* and which, for some seventeen years, has been practised in Ireland and England with increasing success, under the generous and intelligent direction of eminent men, among whom may be named, as in the very front rank, Sir Walter Crofton.

In the same book I have discussed and answered the various objections which have been made to this measure. All of them imply an utter ignorance both of the essential conditions of the measure in itself, and of the excellent fruits it has yielded. The greater part of these objections have no value whatever, in a logical or legal point of view.

I have, also, in the same work, cited the illustrious publicists who have defended, with convincing arguments, the principle of conditional liberation. It only remains that I cite three additional authorities, as weighty as they are unanswerable.

The first is that of the facts of experience, in their latest expression. The last report, presented to the English parliament by the directors of the Irish convict prisons, on the results obtained in 1871, on page 6, makes use of the following language: "No change has been made during the past year in the penitentiary system of Ireland, and we are able to affirm that the system continues to give the same satisfactory results as heretofore." The report adds that, of 265 convicts who, in 1871, obtained their conditional liberation, only 23 had had their license revoked, that is to say, eight per cent.

The second authority which I invoke, is that of the new penal code of the German empire, prepared by the ablest jurists, and promulgated on the 30th August, 1871. Article 23, and those immediately following, are thus conceived and expressed:

"Art. 23. Persons sentenced to reclusion, or to imprisonment for long terms, will be

* *Des Libérations Préparatoires*, par Bonneville de Marsangy, Reims, 1846. The English have done us the honor to recognize our priority. In a speech delivered by Sir Walter Crofton, in the Congress of Manchester, October 4th, 1856, he says: "The conditional liberation system, as practised in Ireland and now in England, has been applied to those colonies (Cayenne and New Caledonia) by decree of June 15, 1854."

able, if they so elect, to obtain their conditional liberation, when they shall have completed three-fourths, but at least a year, of their punishment, *provided* their conduct shall have been good during that time.

"Art. 24. Conditional liberation will always be revoked for misconduct on the part of the discharged convict, or for a violation of the obligations imposed on him at the time of his conditional release: in this case, the time intervening between his conditional liberation and his new registry on the jail books, will not be counted on the duration of the punishment pronounced.

"Art. 25. The decrees relating to provisional liberation, and to the revocation of this measure, are in the jurisdiction of the supreme administration of justice. The decree of liberation shall not issue, except upon information previously obtained from the administration of the prison. A provisional arrest of the liberated prisoner may be ordered, on grave considerations of public safety, by the police of his residence. In that case a decree for the definitive revocation of the discharge should be immediately applied for. When the provisional arrest shall have been followed by the definitive revocation of the conditional liberation, this revocation shall be deemed to have taken place on the day of the provisional arrest.

"Art. 26. When the time of the detention, fixed by the sentence, shall have expired, and no revocation of the provisional liberation shall have had place, the penalty shall be reputed to have been exhausted."

The third authority, of which I am happy to avail myself, is that of the immense majority of the courts of France invited, in 1873, by the Penitentiary Commission of the National Assembly, to give their opinion on the various questions relating to penitentiary reform.

Interrogated on this question: "Do you think that the action of patronage would be strengthened and made more effective by the adoption of a system of conditional liberation?" Sixteen of our courts of appeal replied affirmatively; four, while approving the measure in principle, felt it a duty to reserve their opinion, in awaiting the results of experience in other countries; two failed to formulate their opinion on this point; and four only replied in the negative.

As regards the court of cassation, which is placed at the summit of our judicial hierarchy, and whose knowledge and experience are of immense weight in these grave matters, it did not hesitate to admit the principle of conditional liberation, with the reservation, however, that it should not be granted without the intervention of the judicial power.

But I have said enough, and pause at this point.

It thus appears that we have, under the austere reign of the penitentiary system, a new apprenticeship of social existence, where every step towards goodness has its recompense; every step towards evil, its chastisement.

In this manner, a reconciliation might be effected between the cellular system and the associated system, which have so long appeared irreconcilable. We might thus secure the incontestable advantages of each, and make both work together to the same end—the moral reformation of malefactors.

V. PAYMENT OF THE EXPENSES OF PUNISHMENT BY THE CONVICTS.

Our sage Montaigne has remarked: "Man is always in excess; he goes from one extreme to another."

It has been seen that if our modern codes make so little use of pecuniary penalties, it is because of the recollection of the numerous abuses of those penalties made by the seigniorial justice of the middle ages. A similar fact has resulted from the reimbursement of the cost of punishment. That same seigniorial justice pushed this abuse to the point of exacting from innocent persons, wrongfully prosecuted, the cost of their unjust detention. It would have been enough to suppress, as our kings did,

this revolting iniquity. But, through I know not what blindness, at a later date they relieved from reimbursement of the expenses of their imprisonment even solvent convicts, who had actually committed the crimes charged against them.

Criminal perversity is a disease of the soul, a sort of moral insanity. This affection necessitates a treatment, which is called *punishment*. The prison is the therapeutic establishment, in which we confine criminals to cure their perversity. Is there not an absolute parity of situation between the solvent sick man who reimburses the hospital for the expenses of his sickness, or the solvent insane man, who also pays the expenses of guard and treatment, and the solvent criminal, in reference to whom I demand that he be required to defray the expenses of his penal expiation.

I have, in a special essay upon this subject,* cited the case of a very rich lady, who, sentenced for murder to five years of reclusion, will have imposed upon the state, or, in other terms, upon the tax-payers, an expense of about 12,000 francs for the expiation of her punishment; in such sort that, in fact, every honest mother of a family will have been obliged to retrench something from the food, clothing, or education of her children, to feed, clothe, and reform this prisoner, many times a millionaire. This latter will, to her profit, have capitalized her revenues, while the state paid the cost of her penitentiary treatment. Does not such a result seem an outrage to the common sense of the public? Yes, common sense cries aloud, that every solvent convict ought to reimburse the state for the expenses of his imprisonment, just as he pays the amount of the pecuniary penalties inflicted upon him.

This practice would increase the force at once of intimidation, repression, and reformation.

Is it not evident that the punishment of detention would be incomparably more *intimidating*, if every malefactor knew, in advance, that, in exposing himself to it, he would have to part not only with his liberty, but a certain part of his property as well? Is it not evident that the imprisonment would be more exemplary and more *repressive*, if the malefactor knew that every hour he passed in prison would, *per force*, translate itself into a proportional diminution of his own and his family's means of living? Is it not evident, in short, that the imprisonment would be more *reformatory*, if the culprit, undergoing that penalty, saw, each instant, presenting itself before him, the menacing bill of the expiatory expenses; and would he not, thenceforth, exert himself to obtain, by his good conduct, a diminution of the punishment, just as the economical traveler contrives to keep down his hotel expenses, in view of that quarter-hour, so dreaded by tourists—the settlement of the bill?

For the rest, in the special point of view of relapse (that touch-stone of the efficacy of repressive and penitentiary laws), is it not equally evident that every criminal, who has undergone his punishment at his own cost, will be infinitely less disposed to a fresh crime than he who has been imprisoned at the expense of the state? What matters it to this latter, comparatively, whether he is morally healed or not? If he sins anew, and cannot secure his impunity, he is free to go to that government hotel called the prison, without the fear of being taxed for the expenses of his sojourn.

Therefore, as a general rule, every person sentenced to imprisonment ought to be, at the same time, sentenced to the reimbursement, according to an established assessment, of the expenses of the detention, just as he is condemned by the judgment to pay the costs of justice.

Solvent convicts could, without difficulty, reimburse this expense, which would diminish, so far, the charges upon the public fisc.

As regards those who could not or would not pay, the administration would, when necessary, exercise its authority against them by the ordinary proceedings employed for the recovery of the costs of justice; and, in all cases, they would remain, until the reimbursement of the whole debt, deprived of their civic rights. This last measure

* Gazette des Tribunaux de France, Nos. des 17 et 21 Nov., 1850.

may seem severe ; it is only just. Is it not, in a free government, where the suffrage is universal, a supreme inconsistency to see an ex-convict depositing his vote in the electoral urn, while he is still, in some sort, under bonds to punishment (*servus pœnæ*), since he has not reimbursed society for the expenses of his detention, a reimbursement which is but the natural accessory of punishment ? The political law of most states deprives bankrupts, not rehabilitated, of the right of voting. Why may not the same temporary incapacity attend liberated convicts, who are debtors for the costs of justice or expiation, and therefore, in fact bankrupts as respects the state ? "*Ubi idem ratio, idem jus.*"

It will be seen that I do not depart from ideas already admitted ; I only develop their rational and logical issue.

Is it said ?—If you lay upon prisoners the reimbursement of the expenses of their penal incarceration, how can you, without self-contradiction, accord to these same prisoners gratuities and a certain capital against the day of liberation (*pécunium de réserve*) ?

There is in this procedure no contradiction. The convict will remain debtor for the costs of expiation just as he now does for the costs of the process. This debt to the state creates no obstacle to the generous procedure, which the administration thinks it ought to employ, in the interest of the reformation of the convict and of his return to society as a good and useful citizen. The administration has it always in its power to remit this debt, in whole or in part, the same as it concedes to prisoners a part of the profits of their labor, *the whole of which belongs to it* ; the same as, by a conditional or absolute pardon, it remits the whole or a part of the sentence. There is no contradiction here.

I have thus set forth, on the point under consideration, what seems to me to be the true and sound principles in the matter of repressive justice. I offer these principles to the meditation of competent men. I commend them, especially, to good men who, anxious to arrest the fearful ravages of crime, do not recoil from any of the newly devised agents for its cure, which are proposed by reason and justice.

Every person who violates the law is, by that very act, constituted a *debtor* to society, not only in respect to punishment, but, as well, in respect to the costs of prosecution and expiation ; and so long as he has not paid that debt, he is, like the *bankrupt*, deprived of his civic rights.

This single principle once applied, the annual schedule of crimes and misdemeanors will diminish by one-half.

VI. CIVIC COÖPERATION.

§ 1. It is proper here to suggest a measure which will, very effectively, contribute to the prevention and repression of crime, and which our modern codes have too much overlooked ; I speak of civic coöperation.

Generally speaking, as regards preventive and repressive measures, we count too much on the action of the government ; not enough on ourselves.

In countries where universal suffrage exists, and all the people take part, by their representatives, in the making of the laws, all ought equally to aid in their execution. In like manner, the more liberty the political law confers upon us, the more every citizen is interested in opposing the curtailment of that liberty and every invasion upon the rights of all and of each. Now, the end of the law being to guaranty to each citizen the full enjoyment and exercise of his rights, every infraction of the law constitutes, in itself, an attack upon the public repose, or upon the liberty, security, property, or honor of other citizens. The criminal is a *tyrant* who, by craft or violence, invades, to his personal profit, the well being of his fellows. He is a common enemy.

Consequently it is the right and the duty of every citizen to prevent or to impede every violation of the law, and to deliver up the author to justice. If he refuses through fear

or indifference, he betrays the most sacred obligation of the citizen, and commits a species of felony against the society of which he is a member. Says the Roman orator (Cicero): "He who does not oppose and prevent wrong-doing when he is able, is as culpable as he who commits it. He is as culpable as if he had deserted his friends, his parents, his country." Better still is this maxim, which our sage Charron adds: "We must know how to do our duty; and if there is danger, then with dauger." To do otherwise is to make one's self a moral accomplice of the criminal.

These ideas are elementary and indisputable in the eye of every man of understanding, of heart, and of patriotism. Therefore, if everyone were willing firmly and resolutely to lend the aid of his personal coöperation in the work of preventing crimes, obstructing their execution, arresting their authors, and delivering them over to justice, the greater part of criminals, watched and held in check, as they would be, by this invisible mass of honest wills, would be compelled, in spite of themselves, to give up their criminal enterprises. The energetic coöperation of good citizens is the only power here below whose eyes, ears and arms cannot be avoided, and from which no malefactor will be able to escape, because at each step he would find a witness and a revealer of his crime. It is this thought which I expressed in my work, "*De l'Amélioration de la Loi Criminelle*," when I said: "In a free state, every citizen ought to be a commissary of police."

It was so, in other times, in the old European states. Every citizen was bound, under pain of a fine, to lend his aid to the law, and to hunt (*courir sur*) malefactors. It was the generous crusade of good against evil. In England and the States of the Union there are still found some traces of these manly and patriotic customs. Lynch law is but a deplorable exaggeration of civic coöperation.

Our European laws of to-day well declare, "that whoever has knowledge of a crime or misdemeanor, is *bound* to give information to the authorities;" but because this law is without penal sanction, no one speaks or stirs. Every one acts the king (*reste roi*): one, that he may not become an informer; another, because he would spare himself trouble. The witness of a crime absconds or dissembles, that he may not be called upon to testify. It is a veritable desertion of the holiest and most pressing of the obligations of civic coöperation. This general indifference is to the profit of criminals. It gives them encouragement; it assures their success; it guarantees their impunity. So true it is, that in respect of social as well as political disorders, these fomenters of trouble find their greatest safety in the apathy of honest people.

How to re-act against this deplorable state of things? By re-enforcing and giving authority to the obligations of civic coöperation; by affixing an energetic sanction to the violation of these duties, source of a joint defensive social responsibility against crime; by punishing indifference and inaction with fines and the suspension of civic rights. The fines thus levied upon the cowardice or the indifference of the citizens would serve to make good, so far, the expenses occasioned by crime. Moreover, the suspension of civic rights would justly exclude from the electoral urn all those persons who should have lacked the courage to perform the duty of citizenship towards these disturbers of the public peace. It is by such institutions that nations become great and powerful.

§ 2. *Obligations of parents*.—I have just pointed out the obligations of public order which rest, in general, upon all the citizens of a free state. It is important to recall those, infinitely more binding, which are imposed on parents.

We have seen that the principal medication preventive of crime is a moral and religious institution—education. Nature, and, in default of that force, the law, imposes upon fathers and mothers the duty of rearing their children aright, with a view to making them, one day, industrious and honest citizens. Happy would be that country in which each head of a family should have it in his heart to fulfill this holy obligation. The violation of the laws would there be an occurrence rare and exceptional.

This duty is, unhappily, neglected in the classes most destitute and wretched. Thence the immense number of vagrant, intractable, disorderly children, who go, every year, to fill to repletion our agricultural penal colonies and our penitentiaries.

Already, in certain states, I am aware, compulsory education has been decreed. But that which, above all else, it would be necessary to make obligatory is moral, religious, and professional education, which alone sets vice at a distance, and gives power to combat misery. This it is, which must be encouraged in all suitable ways, and, if need be, fortified by penal sanctions.

Every father of a family who does not send his children to a public or private school, who does not require them to attend the church or the temple, who does not teach them the elements of labor, who does not, in one word, give them a good bringing up, betrays, to the prejudice of society, the duty which nature and the law impose upon him. For this alone he ought to be suspended from his civic rights. Why, indeed, should we permit such a man to participate, by his vote, in the management of public affairs, when he does not know how to manage and administer the most important of his private affairs—the education of his children?

These are, it seems to me, ideas sound, true, fruitful—which the penitentiary Congress ought to endeavor to propagate. It is by elevating and strengthening the mission of fathers and mothers, that we shall, at the same time, elevate and strengthen the entire character of nations.

VII. SUPERVISION AND PATRONAGE OF DISCHARGED PRISONERS.

The system of penitentiary detention which I have developed in the preceding pages involves, as its indispensable complement, the supervision and patronage of liberated prisoners. But each of these measures, according as it shall be organized with or without judgment and skill, will produce results correspondingly excellent or deplorable. As there is no institution which has given occasion to graver errors, it will be necessary, in discussing it, to speak with great caution and clearness.

§ 1. *Police supervision.*—The French parliament of 1810, yielding, as I said in 1847,* to an idea of excessive *intimidation*, and seeing in discharged convicts only perverted men, applied to them all, without distinction, a rigorous system of compulsory residence in places fixed by the government. This severity, just and legitimate in the case of unreformed criminals, was unjust and odious to those who were reformed, and whom it, nevertheless, relegated, inevitably, to discouragement, to misery, and to crime.

The parliament of 1832, too intent on *reformation*, and seeing in discharged prisoners only persons more or less capable of regeneration, adopted the system of optional locomotion, under certain conditions; a milder system. It is true, but one which, needlessly vexatious and annoying to reformed prisoners, was inevitably derisive and ineffacious to those not reformed, whom it delivered over to all the hazards and all the disorders of an unbridled liberty, which might have been fitly named legal vagrancy. These two systems, applied to reformed and hardened criminals after their discharge, have produced, each in turn, results equally deplorable, for the reason, suggested by common sense, that we cannot logically apply the same medical treatment to the sick, the convalescent, and the cured.

The end of supervision being to prevent a new fall, we ought, logically, to apply it only to liberated prisoners who are presumed to be likely to relapse, that is to say, to those alone who have not been completely reformed by their punishment. The supervision of the police, to be rational and efficacious, must therefore be rigorous for the unre-

* *Traité des Institutions Complémentaires du Régime Pénitentiaire*, p. 326 et suiv. Paris, 1847.

formed, flexible for the partially reformed, and non-existent for the fully reformed. Outside of this principle, there can be in this matter only disappointment and results that will prove baleful.

It would be necessary that the government, which watches over the execution of punishments, administers the prisons, and for this double reason can alone appreciate the fact of reformation, should have, by law, the absolute right of limiting or suspending, as regards liberated prisoners more or less reformed, the *effect* of the supervision, according to circumstances and the necessities of the public safety. In one word: for the good, supervision would be only a salutary admonition; for the bad, it would be a serious restraint, doubly legitimate, since it would have for its object at once the defense of society and the salvation of the prisoners themselves from a relapse into crime.

So far I have cited from my "Treatise on the Institutions Complementary of the Penitentiary Régime," published in 1847. After an interval of twenty-eight years, these ideas, so elementary and simple, have at length been admitted by the national parliament of France, and on the report of the Honorable M. Béranger de la Drôme, they have been sanctioned by the law of the 29th of January, 1874. The residence of the discharged convict has been made obligatory for a period of six months only, after which he can himself fix it where he will, with the reservation that he must reside there at least six months. Moreover, police supervision, besides being remissible or reducible by executive clemency, may be *suspended* by administrative action. This is exactly what I have sought. Supervision being a precaution, and not a punishment, it was indispensable to leave to the administration the liberty of using it or not using it, according to circumstances. This sole power will be a guaranty against the possible inconveniences of supervision, at the same time that it retains whatever advantages supervision may possess.

§ 2. *Patronage*.—For a long time honorable philanthropists have given their attention to the patronage of discharged convicts. Although they have devoted their whole heart and mind to this pious work, many, by all their devotion, have only succeeded (so near is the peril to the goal!) in organizing, to the profit of malefactors, a patronage which excites the envy of the honest poor. While the unfortunate laborer remained without support, the old convict was sure to find aid, succor, and protection. It is this abuse, which has ruined the institution; and, almost everywhere, the patronage of liberated prisoners is still to be organized on satisfactory bases.

How can this be accomplished? By not attempting to do more than is necessary; by keeping to the proper limits and the truth of things.

If society extended patronage to all discharged convicts without distinction, crime would become a title to legal charity. This cannot be.

The penitentiary law should provide patronage for two classes of convicts only.

1. To minors, whose offenses are rather *faults* than *crimes*. Their fall is, for the most part, the result of weakness, of ignorance, of evil examples, of the want of instruction and education. When they leave the penal or disciplinary establishment, it is the duty of society, if they have no family, or only a family that has cast them off, to lend them a helping hand; to counsel them; to procure for them work; in a word, to do all that is possible to aid them in their return to society. This is a work of maternal solicitude, of social foresight, and of humanity.

2. To liberated adults who, during their imprisonment, have given evidence of penitence and reform. With respect to such, it is but natural that society should continue the work which it began in the prison. If, by their good conduct and their diligence, they have become entitled to conditional liberation, they have a right to the kind offices and the succors of patronage. Too much cannot be done to facilitate their return to the great family of honest workmen. They are patients only half cured, whose moral convalescence must be assured by continued care. For them,

patronage is, indeed, the crowning of their penitentiary reformation.

Thus rationally restricted, patronage will everywhere be met with the warmest sympathies, for it will be a work of reason and justice.

As regards convicts who leave the prison more depraved than they entered it, and who, rebels alike against law and punishment, have audaciously resisted all the efforts made for their reform, society owes them but one thing, besides the pity which cannot be refused to any human creature—a strict police supervision, with a view to prevent, or, if necessary, to hinder, on their part, any fresh assault upon the peace and safety of society. They have repelled the hand that was stretched out for their cure. If they are miserable, they have only themselves to blame for it.

Within the limits above traced, patronage is a generous and an indispensable measure; beyond these limits, it will become an abuse of philanthropy and an encouragement to crime.

VIII. LIMITATION OF PUNISHMENTS.

It is readily comprehended why the criminal law has admitted, in favor of persons awaiting trial, a limitation of the penal action, because it is possible that, after a certain number of years, the justificatory proofs having disappeared, the person charged with a crime or a misdemeanor, may no longer, through "the law's delay," be able to establish his innocence; and, in that case, society, by an act of high generosity, subordinates its legitimate right of prosecution to that, no less legitimate, of the defense.

But what cannot be comprehended is, that after the criminal has been convicted and sentenced, society, which has the right and the duty to exact the punishment, concedes to him the power of *limiting* it (*de la prescrire*), that is, of annulling that right, by an absence more or less prolonged. Why this immunity, and to what end?

Punishment, it is said, is a debt which is limitable, and may expire by the statute of limitations, like all other debts. This is an old and a profound error.

That a debtor may, after a long term, be released from his obligation, is conceivable, since the inaction of his creditor justifies the supposition of a voluntary abandonment of his claim. But how can a criminal under sentence legitimately *limit*, that is, annul, by the sole operation of time, the penalty imposed on him by society, when, by his flight or concealment, such convict has made it impossible for society to exact the prescribed penalty?

Such limitation of the punishment has no ground of support (*raison d'être*). It is a senseless and gratuitous abdication of the right to punish, and ought to be suppressed, as directly contrary to the end of punishment and the interest of the public safety. I add that it is a scandal to justice and an encouragement to crime.

Is it not, then, supremely scandalous to see a great criminal, who has been sentenced to capital punishment or perpetual imprisonment for a most odious assault on human life, returning, after an absence of twenty years, and living, with head erect and in perfect security, in the country which his crime had filled with consternation and affright? Yet this is permitted by the laws of almost all civilized nations! That, I repeat, appears to me scandalous, even though, as has just been done in the German penal code, the period of limitation should be extended to thirty years. In my view, it is a senseless favor accorded to criminals who, after having been sentenced, have managed to fly their country, that they might escape the punishment. I so regard it, because there is thus granted to them, without a solitary reason in its favor, a remission of the punishment which they had braved and set at naught.

I have said also that this limitation of punishment is an encouragement to crime. Need I offer the proofs? An employé steals from a banker 500,000 francs. Sentenced

for the theft to an imprisonment of five years, he escapes to some foreign country, where he lives in splendor and luxury. At the end of the five years he may return to his own country, where he will remain at his ease, and nobody dare say aught to him. *He has passed the limit of his punishment.* Tell me, do we find many upright citizens who, by a whole life of industry and honesty, are able to acquire such a fortune? The moral of this legislative apologue is, that by reason of this limitation of penalties, there is greater profit in robbery than in honesty.

Our ancient legislation did not carry irrationality to the same degree. It admitted no limitation of punishment for crimes regarded as infamous or outrageous. If it conceded such limitation in the case of other crimes, it was because it assumed that the contumacious culprit suffered, indirectly, what was equivalent to his punishment, in the long voluntary exile to which he condemned himself, and in his exposure to the innumerable pangs of an errant and miserable existence. But, to-day, when, thanks to the power of steam, there are no longer any boundaries between states; when all peoples continually intermingle as the result of an unlimited international locomotion; when everybody, in emulous competition with his fellows, expatriates himself for business or for pleasure, who will believe that the pains of exile can be an equivalent for the penalty pronounced, but not endured?

We must go back to the principle that every punishment adjudged shall be executed, and that if the criminal by any means withdraws himself from it, it shall remain eternally suspended over his head as a menace, that the punishment will inevitably be exacted, if ever he has the effrontery to set foot on the soil of his country, which has justly condemned him to it.

Let us hasten, then, to efface from our criminal codes this monstrous immunity of limitation, conceded by imprudent legislators to refractory convicts. Thus only will the law show itself in earnest, and its penalties be respected.

IX. PARDON.

The right of pardon is one of the necessities of our social order. It being admitted that repressive justice is fallible, it is indispensable that the sovereign power, in whose name it is administered, shall be able, when the occasion arises, to repair its errors or moderate its severities. Without this right, justice would cease to be *just*. Therefore, when rash innovators have assailed the right of pardon, I have placed myself among the most zealous of its defenders. But to defend the *right* is, in itself, to oppose the *abuse*.

Since no power can, in a free state, be absolutely *arbitrary*, it is essential that the right of pardon, which undoes or modifies the work of the judicial administration, should itself be subjected to strictly defined conditions.

I would prefer that, as a general thing, pardon should be granted only to penitent convicts, who, except in the case of insolvency, should have made good the damage wrought by their offense, and reimbursed the costs of justice and the expenses of the punishment; and, as far as possible, the remission of penalties, privative of liberty, should have place only by way of commutation into pecuniary fines.

It would be my preference that the pardon should always be conditional in this sense, that, in case of misconduct or a fresh transgression, it might be revoked.

Finally, it would be my choice that all pardons or commutations, and all revocations of the same, be published in the prisons every three months, that they may be a salutary lesson, and a source of encouragement and hope to the prisoners.

Without these express reservations, demanded by reason and the public interest, pardon, instead of being a social benefit, an act of just and sovereign clemency, would only be a source of favoritism and abuse; a weakening of the repressive force of the state; a permanent obstacle to the high end proposed to be accomplished by the penal law.

X. REHABILITATION.

In a complete exhibition of the measures adapted to secure the return of discharged convicts to society, as accepted and worthy members, it remains to speak of one further and final complementary institution—*rehabilitation*.

Rehabilitation is, in reality, the complement and top-stone of the penal and penitentiary edifice.

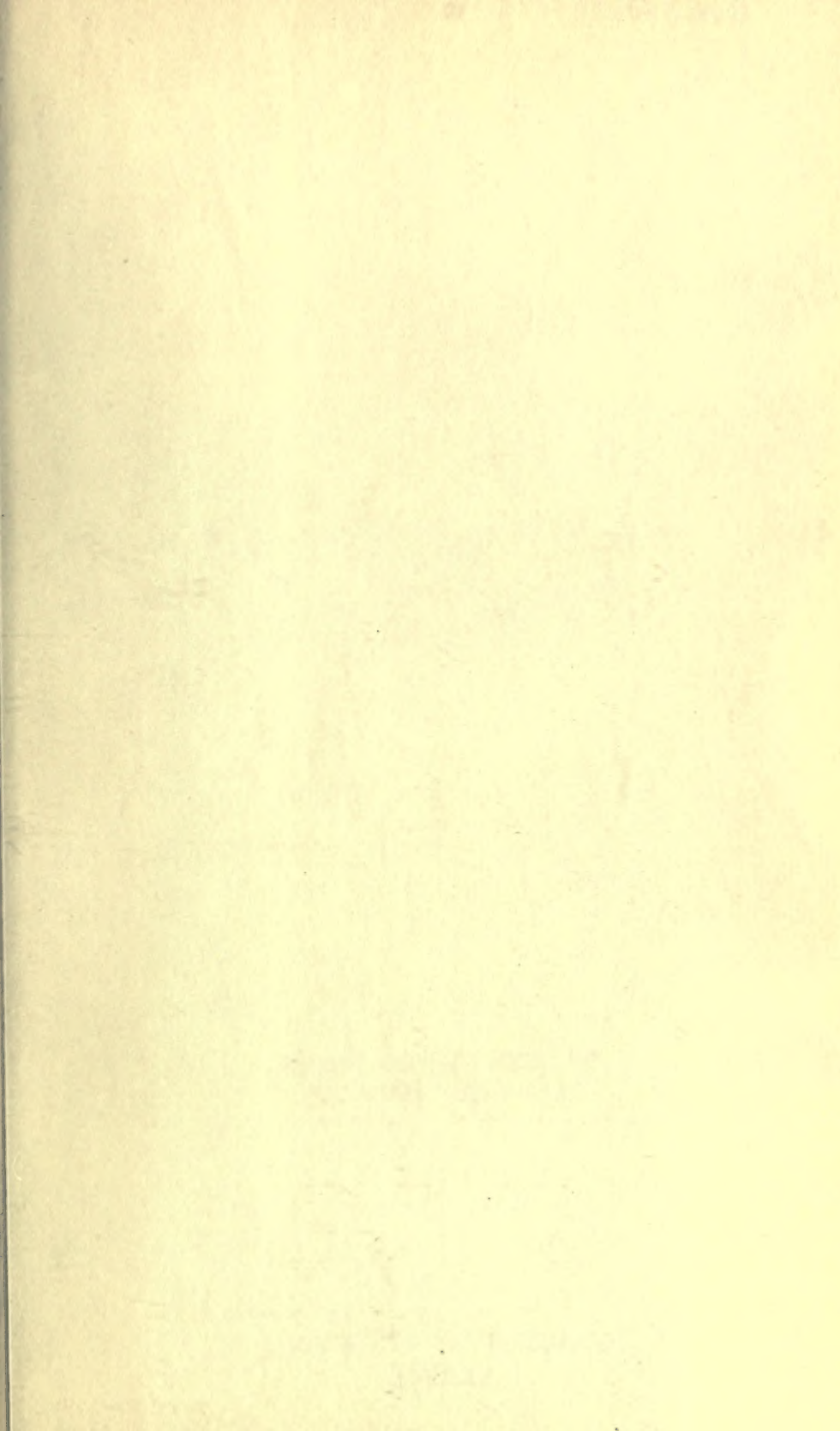
It is not, in our modern ideas, as it was in Roman law, a *pardon* of the sovereign. It is a *right* of the liberated prisoner, who has been reformed through his punishment, a right which has its source in social considerations the most generous and the most exalted.

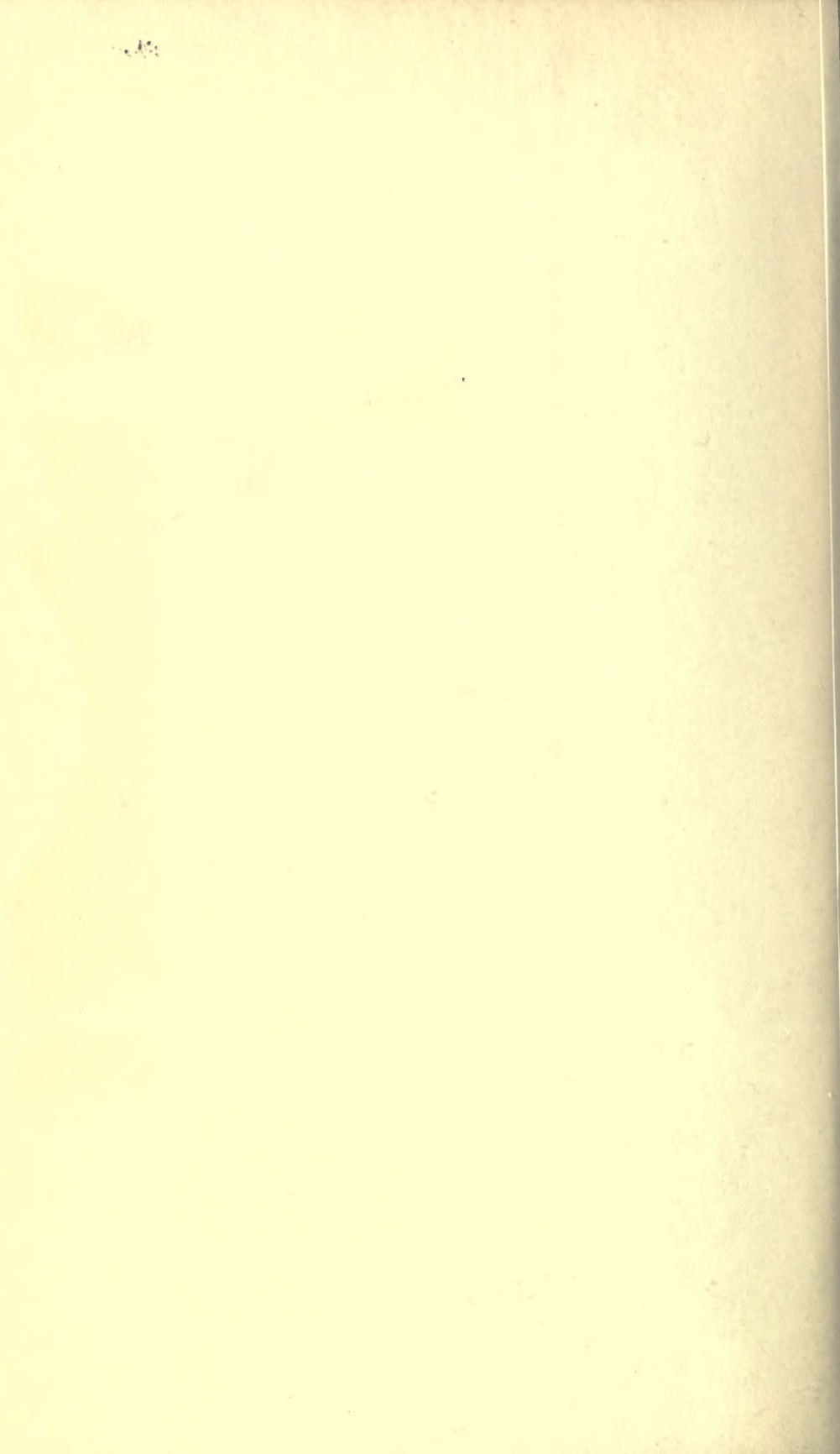
It is the evidence and the recognition of the complete regeneration of the convict; or rather, it is the solemn pardon accorded by society to him who, after having broken its laws and suffered its punishments, has again, clearly and definitively, become a good man.

The hope of rehabilitation awakens, in the heart of the liberated convict, the sentiment of his moral dignity, by placing before him the consoling idea that he is again about to take his place among his fellow men, invested with all the franchises, and standing in the entire integrity, of his original position.

His punishment had depressed and disgraced the *convict*; his rehabilitation lifts up and revivifies the *free man*. It makes of him a new man, a citizen *integri statu*. It is the civil baptism that washes out in the convict the last traces of the offense and the punishment. It relieves him from all the incapacities which had brought him down from the measure of a man and a citizen.

A penal and penitentiary code would be a barbarous and fruitless work without the magnanimous and liberal measure of REHABILITATION!





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